



**Standing Orders, Scheme of  
Reservation and Delegation  
and Standing Financial  
Instructions  
for the Patient and Client  
Council (The PCC)**

**Revised July 2022**

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<b>Version</b>	<b>Date Approved</b>	
1	1/04/09	Establishment
2	27/3/12	Amendment to Membership of Governance and Audit Committee
3	17/9/13	Number of amendments agreed
4	24/3/15	Amendment to 6.2.5 Setting the Agenda Publicising Board Meetings
5	23/6/15	PCC Committees
6	15/9/15	Amendment to Term of Office for Governance and Audit Committee
7	21/3/17	Amendment to Board Quorum
8	18/9/18	Temporary Amendment to Board Quorum to 31 March 2019
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11	29/07/22	Amendment to Standing Orders (Council Quorum) – approved at Council Meeting 19 <sup>th</sup> July 2022

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*See separate document*

## **SECTION A – FOREWORD AND INTERPRETATION OF TERMS USED**

### **1. FOREWORD**

The Codes of Conduct and Accountability require the PCC to adopt Standing Orders and Schedules on Reserved and Delegated Powers for the regulation of its proceedings and business. The PCC must also adopt Standing Financial Instructions (SFIs) as part of the Standing Orders setting out the responsibilities of individuals.

These documents fulfil the dual role of protecting the PCC's interests (ensuring, for example, that all transactions maximise the benefit to the PCC) and protecting staff from any possible accusation that they have acted less than properly (provided of course that staff have followed the correct procedures outlined in the relevant documents).

All Council members and all members of staff shall be aware of the existence of these documents and, where necessary, be familiar with the detailed provisions required to comply fully with the regulations.

The PCC is committed to conducting its business and its meetings as publicly and openly as possible. It is intended that people shall be able to know about the services provided by the PCC and, particularly, be able to contribute to discussion about changes, which may affect them or their dependents.

The PCC is required to comply with all existing Departmental Circulars, Regulations and Legislation insofar as they impact upon the PCC's functions, activities and conduct.

The Standing Orders, Scheme of Reservation and Delegation and Standing Financial Instructions were initially approved by the PCC Council at its meeting on 1 April 2009, they were subsequently forwarded to the Department of Health, Social Services and Public Safety.

The Council on 18 January 2022 approved these current Standing Orders, Scheme of Reservation and Delegation and Standing Financial Instructions.

The PCC Council agreed an amendment to the Standing Orders on the:

- 27 March 2012
- 17 September 2013
- 24 March 2015
- 23 June 2015
- 15 September 2015
- 21 March 2017
- 18 September 2018
- 19 February 2019

Chair: Christine Collins

Chief Executive Officer: [Signature]

Dated: 18th January 2022

## 2. INTERPRETATION OF TERMS USED

The Chair of the Patient and Client Council shall be the final authority on the interpretation of the Standing Orders (on which he/she shall be advised by the Chief Executive Officer and/or Secretary to the Council).

Any expression to which a meaning is given in the Health and Personal Social Services Orders of 1972 or 1991 and the Health and Social Care (Reform) Act (Northern Ireland) 2009) shall have the same meaning in these Standing Orders.

**"Accounting Officer"** is the person nominated by the DoH and is usually the Chief Executive Officer. He/she is responsible and accountable for funds entrusted to the PCC Council. He/she shall be responsible for ensuring the proper stewardship of public funds and assets.

**"Advocacy"** shall mean in its broadest terms acting with or on behalf of service users and communities so that they may be heard and have their views and concerns taken account of.

**"BSO"** means the Business Services Organisation.

**"Chair"** is the person appointed by the Department of Health with the approval of the Minister to lead the Council and to ensure it performs its role efficiently and effectively.

**"Chief Executive Officer"** means the Chief Officer of the Patient and Client Council.

**"Committee"** shall mean a Committee created by the Council.

**"Corporate Plan"** sets out the context for the PCC's annual business plan to ensure that it is fit for purpose, meets its statutory and legislative requirements and gives account to the Department and the public on the work that it undertakes.

**"Department"** means the Department of Health (DOH).

**"Head of Development and Corporate Services"** and **"Head of Operations"** are senior officers within the PCC and part of the Executive Management Team. They report to the Chief Executive Officer.



**“Member”** is a person appointed by the Department of Health with the approval of the Minister under Paragraph 3 Schedule 4 of the Health and Social Care Reform Act 2009.

**"Patient and Client Council"** consists of the Chair and Members appointed by the Department of Health with the approval of the Minister.

**“PCC Council”** the term Council is used to denote the Council members meeting together to discharge their corporate governance responsibilities.

**“Power of Entry”** the power of entry conferred by Regulation 16 of the PCC Membership and Procedure Regulations.

**"Secretary"** is a person who is independent of the PCC Council’s decision making process and who shall be appointed, by the PCC Council, to have responsibility for the administration of the Council.

## **SECTION B – STANDING ORDERS**

### **1. INTRODUCTION**

#### **1.1 Statutory Framework**

The Patient and Client Council (here and after referred to as the PCC) is the statutory body, which came into existence on 1 April 2009.

The PCC is governed by Statutory Instruments: HPSS (NI) Order 1972 (SI 1972/1265 NI14), the HPSS (NI) Order 1991 (SI 1991/194 NI1), the Audit and Accountability (NI) Order 2003 and the Health and Social Care (Reform) Act (Northern Ireland) 2009. Their provisions are incorporated in these Standing Orders.

The PCC has a range of statutory duties in the area of providing a strong, effective voice for users of health and social care services, which encompass independent contractors and publicly funded care home provision. These duties include representing the interests of the public; promoting the involvement of the public;

providing assistance to individuals making or intending to make a complaint; and promoting the provision of advice/information about the design, commissioning and delivery of health and social care services. The PCC should address its statutory functions in relation to other HSC bodies set out in the legislation and maintain the highest standards of decision-making. The detail of these duties is set out in various pieces of legislation, regulation or other guidance documents.

The PCC will also be bound by such other statutes and legal provisions, which govern the conduct of its affairs.

### **Functions of the Patient and Client Council**

The Patient and Client Council has the following functions in relation to health and social care in Northern Ireland:

- a) representing the interests of the public;
- b) promoting involvement of the public;
- c) providing assistance (by way of representation or otherwise) to individuals making or intending to make a complaint relating to health and social care for which a body to which this section applies is responsible;
- d) promoting the provision by bodies to which this section applies of advice and information to the public about the design, commissioning and delivery of health and social care; and
- e) such other functions as may be prescribed.

In exercising its functions, the Patient and Client Council must:

- a) consult the public about matters relating to health and social care; and
- b) report the views of those consulted to the Department (where it appears to the Council appropriate to do so) and to any other body to which this section applies appearing to have an interest in the subject matter of the consultation.

In exercising its functions the Patient and Client Council shall promote the involvement of the public in consultations or processes leading (or potentially leading) to decisions by a body to which this section applies which would or might affect (whether directly or not) the health and social wellbeing of the public.

In exercising its functions the Patient and Client Council shall arrange, to such extent, as it considers necessary to meet all reasonable requirements, for the provision (by way of representation or otherwise) of assistance to individuals making or intending to make a complaint of a prescribed description.

The Patient and Client Council shall:

- a) undertake research and conduct investigations into the best methods and practices for consulting the public about, and involving them in, matters relating to health and social care; and
- b) provide advice regarding those methods and practices to bodies to which this section applies.

The Patient and Client Council must publish any report(s) in such manner as the Department may direct.

## **1.2 Health and Social Care Framework**

In addition to statutory requirements the Minister through the Department of Health issues instructions and guidance. Where appropriate these are incorporated into the Standing Orders of the PCC or other corporate documentation.

In accordance with Section 5 (1) of the Health and Social Care (Reform) Act (NI) 2009, the Department of Health has produced a Framework Document (September 2011) which sets out in relation to each health and social care body:

- The main priorities and objectives of the body in carrying out its functions and the process by which it is to determine further priorities and objectives;

- The matters for which the body is responsible;
- The manner in which the body is to discharge its functions and conduct its working relationship with the Department of Health and with any other body specified in the document; and
- The arrangements for providing the Department of Health with information to enable it to carry out its functions in relation to the monitoring and holding to account of HSC bodies.

The PCC will comply with all statutory requirements and Departmental directions, including the Framework Document (September 2011) referred to above, Management Statement and Financial Memorandum, the Codes of Conduct and Accountability for Board/Council members of Health and Social Care bodies and other Codes of Conduct and directions as these apply to the functions, activities and conduct of Boards/Council of HSC organisations. Where these are updated or replaced, the new provisions and requirements will apply.

### **1.3 Financial and Performance Framework**

A Management Statement establishes the framework agreed with the Department of Health within which the PCC Council operates. The associated Financial Memorandum sets out certain aspects of financial provisions, which the PCC observes. The PCC shall satisfy the conditions and requirements set out in the combined document, together with such other conditions as the Department of Health/Minister may from time to time impose.

A copy of the Management Statement/Financial Memorandum will be tabled for the information of Council Members at least annually at a full meeting of the Council. Amendments to the Management Statement/Financial Memorandum will be brought to the attention of the full Council on a timely basis.

The performance framework for the PCC is determined by the Department of Health in light of its wider strategic aims and of current Public Service Agreement objectives and targets. The key targets, standards and actions for the PCC are defined by the

Department of Health within “Priorities for Action” and approved by the Minister. The Department of Health has strengthened its assurance and accountability arrangements in business planning of its Arm’s Length Bodies and, as such, the PCC is required to reflect these within its annual Business Plans.

Consistent with the timetable for the Northern Ireland Executive budgets, the PCC shall submit annually to the Department of Health, a draft of the PCC Corporate Plan covering up to three years ahead. The Corporate Plan outlines the key objectives for the PCC. The Corporate Plan shall be published by the PCC and made available on its website.

After the end of each financial year, the PCC shall publish, as a single document, an annual report of its activities together with relevant extracts from its audited annual accounts.

The PCC has a number of financial targets and policies within which it is obliged to operate. These are as follows:

- To break even on its Income and Expenditure Account year on year and to maintain its Net Current Assets;
- To maintain annual management and administration costs at or below limits set by the Department of Health;
- To stay within its cash limit for the year;
- To promote financial stability in Health and Social Care;
- To operate within the Resource Limits, both Capital and Revenue set by the Department of Health; and
- To comply with the Confederation of British Industry “Better Payments Practice Code”.

#### **1.4 Delegation of Powers**

Under the Standing Orders relating to the Arrangements for the Exercise of Functions of the PCC Council by Delegation (Section C), the Council is given powers as follows:

*"Subject to such directions as may be given by the Department of Health, the Council may make arrangements for the exercise, on behalf of the PCC, of any of its functions by a Committee or sub-Committee appointed by virtue of **SO 3.1** below, or by a member of the council, in each case subject to such restrictions and conditions as the Council thinks fit."*

Delegated Powers are covered in **Section C** of this document entitled Scheme of Reservation and Delegation.

## **2. CONDUCT OF PCC COUNCIL BUSINESS**

### **2.1 Constitution**

All business shall be conducted in the name of the PCC.

### **2.2 Remit**

The powers of the PCC Council established under statutory instruments shall be exercised by the PCC Council meeting in public session except as otherwise provided for in **Standing Order 4**.

The PCC Council shall define and regularly review the functions it exercises on behalf of the Minister.

The PCC Council has resolved that the PCC Council may exercise certain powers and decisions only in formal session. These powers and decisions are set out in "Powers Reserved to the PCC Council" (**Section 5**) and have effect as if incorporated into the Standing Orders.

### **2.3 Composition of the PCC Council**

The Department of Health determines the composition of the PCC Council, which is:

- The Chair of the PCC Council;
- 5 Lay Members;
- 1 Trade Union Representative Member;
- 5 Local Government Representative Members; and
- 5 Voluntary and Community Members.

(Chief Executive Officer, Head of Development and Corporate Services and Head of Operations sit in attendance at Council meetings)

## **2.4 Executive Management Team**

The PCC Council's Executive Management Team comprises:

- a) The Chief Executive Officer; and
- b) The Head of Operations and the Head of Development and Corporate Services.

## **3. PCC COMMITTEES**

### **3.1 Appointment of Committees**

Subject to such directions as may be given by the Minister, the PCC Council may and, if directed by the Department, shall appoint Committees of the PCC Council, consisting, in either case, wholly or partly of the Chair and members of the PCC Council or wholly of persons who are not members of the PCC Council.

A Committee appointed under this Standing Order may, subject to such directions as may be given by the Minister or the PCC Council appoint sub-Committees consisting wholly or partly of members of the Committee (whether or not they are members of the PCC Council) or wholly of persons who are not members of the PCC Council or the Committee of the PCC Council.

The Standing Orders of the PCC Council, as far as they are applicable, shall apply, as appropriate, to meetings of any Committees established by the PCC Council. The PCC Council shall approve any deviation to this in advance.

Each Committee shall have such terms of reference and powers, membership and be subject to such reporting back arrangements, as the PCC Council shall decide. Such terms of reference shall have effect as if incorporated into the Standing Orders.

Where Committees are authorised to establish sub-Committees they may not delegate executive powers to the sub-Committee unless expressly authorised by the PCC Council.

The PCC Council shall approve the appointments to each of the Committees, which it has formally constituted. Where the PCC Council determines, and regulations permit, that persons, who are neither members nor officers, shall be appointed to a Committee the terms of such appointment shall be within the powers of the PCC Council as defined by the Minister. The PCC Council shall define the powers of such appointees and shall agree the terms of any associated remuneration.

Where the PCC Council is required to appoint persons to a Committee and/or to undertake statutory functions as required by the Minister, and where such appointments are to operate independently of the PCC Council such appointment shall be made in accordance with the regulations laid down by the Minister.

### **3.2 Committees**

The Patient and Client Council has 4 Committees at present:

1. Audit and Risk Assurance Committee;
2. People's Priorities Committee;
3. Appointments and Remuneration Committee; and
4. Business Committee.



The Council formally approves the terms of reference of these Committees as and when required.

The Council may also establish such other Committees as required to discharge the PCC's responsibilities.

#### **4. PROCEDURE FOR MEETINGS**

##### **4.1 Code of Practice on Openness**

The PCC Council shall pursue the aims of the **Code of Practice on Openness**:

*“... to ensure that people may easily obtain an understanding of all services that are provided by the HSC and, particularly, changes to those services that may affect them or their families”.*

The PCC Council shall accept the strong duty imposed on it by the Code to be positive in providing access to information; the presumption shall be in favour of openness and transparency in all its proceedings.

##### **4.2 Open PCC Council Meetings**

The PCC Council shall hold all its PCC Council meetings in public, although, in exceptional circumstances, certain issues may be taken in a confidential section of the meeting. The agenda for the public part of these meetings shall always be provided on request to members of the public in advance of the meetings. Notice of meetings and agenda shall be publicly available.

Public meetings shall be held in easily accessible venues and at times when the public are able to attend. (Code of Practice on Openness; Annex A, Para 2.1)

In order to meet the social distancing requirements of Covid-19, the Council is unlikely to meet in person for an undetermined period and so will meet by virtual means. As a result of this, members of the public, the media and staff will be unable

to attend or observe in person. The Council will make alternative arrangements for public and staff involvement by virtual means.

### **4.3 Conduct of Meetings**

Proceedings shall be in accordance with Section 54 (1) and (2) of the Health and Social Services Act (Northern Ireland) 2001, which provides that Sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c9) shall also apply.

The Code of Practice on Openness is not statutory, it does not set aside restrictions on disclosure, which are based in law and decisions shall rest on judgement and discretion.

### **4.4 Calling of Meetings**

Ordinary meetings of the PCC Council shall be held at such times and places as the PCC Council may determine although, as good practice, some meetings may be held outside normal working hours to facilitate wider attendance by the general public. The PCC Council shall pay particular attention to the commitments within its Equality Scheme when calling meetings.

The Chair may call a meeting of the PCC Council for a special purpose (including in the event of an emergency) at any time.

The notice, agenda and papers for such a meeting shall be conveyed to members and the public as far in advance of the meeting as the circumstances shall allow. Notice of meetings and agenda shall be posted on the PCC web site.

If requested by at least one third of the whole number of members, the Chair shall call a meeting of the PCC Council for a special purpose. If the Chair refuses to call a meeting or fails to do so within seven days after such a request, such one third or more members may forthwith call a meeting.

#### **4.5 Setting Agenda**

The PCC Council may determine or may be directed to ensure that certain matters shall appear on every agenda for a meeting of the PCC Council.

A member desiring a matter to be included on an agenda shall normally make his/her request in writing to the Chair at least 14 clear days before the meeting. The request may include appropriate supporting information and a proposed motion. It may also note any grounds, which would necessitate the item of business being dealt with in a confidential section of the meeting. Requests made less than 14 days before a meeting may be included on the agenda at the discretion of the Chair.

Agendas shall be sent to members 6 clear days before the meeting and supporting papers, whenever possible, shall accompany the agenda, but shall certainly be despatched no later than 3 clear days beforehand, except in an emergency.

At least 5 working days before each public meeting of the PCC Council the time and place of the meeting will be promoted through social media, the Patient and Client Council website and its Membership Scheme.

The public part of the agenda will be placed on the Patient and Client Council website at least 5 working days before the meeting. On request from the press or a member of the public, a copy of the agenda as circulated to the PCC Council, shall be supplied with the omission of any items during which the meeting is not likely to be open to the public.

#### **4.6 Petitions**

Where the PCC Council has received a petition the Chair shall include the petition as an item for the agenda of the next meeting, providing it is appropriate for consideration by the PCC Council. The Chair shall advise the meeting of any petitions that are not granted and the grounds for refusal.

#### **4.7 Notice of Meetings**

Before each meeting of the PCC Council, a notice of the meeting, specifying the business proposed to be transacted at it, and any motions relating to it, approved by the Chair or by an officer of the PCC Council authorised by the Chair to authorise on his/her behalf shall be delivered to each member and to everyone on the PCC Council distribution list and posted on the web site at least 5 working days before the meeting.

Absence of service of the notice on any member shall not affect the validity of a meeting. Failure to serve such a notice on more than three members shall invalidate the meeting. A notice shall be presumed to have been served one day after posting.

In the case of a meeting called by members in default of the Chair, those members shall approve the notice and no business shall be transacted at the meeting other than that specified in the notice.

#### **4.8 Notices of Motion**

With reference to matters included in the notice of meetings, a member of the PCC Council may amend or propose a motion in writing at least 4 working days before the meeting to the Chair. All notices so received, shall be inserted in the agenda for the meeting subject to the notice being permissible under the appropriate regulations. This paragraph shall not prevent any motion being moved during the meeting, without notice, on any business mentioned on the agenda.

#### **4.9 Deputations and Speaking Rights**

Deputations from any meeting, association, public body or an individual may be permitted to address a public meeting of the PCC Council provided notice of the intended deputation and a summary of the subject matter is given to the PCC Council 4 working days prior to the meeting and provided that the Chair of the PCC Council is in agreement. The specified notice may be waived at the discretion of the Chair. In normal circumstances this facility shall be confined to the making of a short statement or presentation from the members of the deputation and making a copy of the

presentation available in advance of the meeting. The Chair shall determine the actual allotted time and if the deputation has sufficiently covered the issue.

#### **4.10 Admission of the Public and Media**

The PCC Council shall undertake the necessary arrangements in order to encourage and facilitate the public at open PCC Council meetings. Reasonable facilities shall be made available to enable representatives of the press and broadcasting media to report the meetings.

The Chair shall give such directions as he/she thinks fit in regard to the arrangements for meetings and accommodation of the public and representatives of the press and broadcasting media, such as to ensure that the PCC Council's business shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public shall be required to withdraw upon the PCC Council resolving as follows:

*“That in the interests of public order the meeting adjourns for (the period to be specified) to enable the PCC Council to complete business without the presence of the public.”*

Nothing in these Standing Orders shall require the PCC Council to allow members of the public or representatives of the press and broadcasting media to record proceedings in any manner whatsoever, other than in writing, or to make an oral report of proceedings as they take place from within the meeting, without prior agreement of the Chair.

In order to meet the social distancing requirements of Covid-19, the Council is unlikely to meet in person for an undetermined period and so will meet by virtual means. As a result of this, members of the public, the media and staff will be unable to attend or observe in person. The Council will make alternative arrangements for public and staff involvement by virtual means.

#### **4.11 Attendance of Other HSC Organisation Representatives**

Officers representing the HSCB, PHA, the BSO and HSC Trusts may be invited to attend and participate in meetings of the PCC Council.

#### **4.12 Chair of Meeting**

At any meeting of the PCC Council, the Chair, if present, shall preside. In the absence of the Chair then such member as those members present shall choose, shall preside.

If the Chair is absent temporarily on the grounds of a declared conflict of interest such member as the members shall choose shall preside.

#### **4.13 Quorum**

No decisions may be taken at a meeting unless it is quorate. Quorum requires a minimum of one third of the number of Council Members for the time being appointed (which may include the Chair) being present.

If the Chair or member has been disqualified from participating in the discussion on any matter and/or from voting on any resolution by reason of the declaration of a conflict of interest, he/she shall no longer count towards the quorum. If a quorum is then not available for the passing of a resolution on any matter, that matter may be discussed further but not voted upon at that meeting. Such a position shall be recorded in the minutes of the meeting. Members may receive items for information or consideration but any decision taken must be ratified and recorded in the minutes of a subsequent quorate Council Meeting.

#### **4.14 Record of Attendance**

A record of the names of the Chair, and members present at the meeting shall be noted in the minutes and, if necessary, the point at which they join, leave or resume their place at the meeting shall also be noted.

#### **4.15 Confidential Section of Meetings**

The PCC Council may by resolution exclude the public or representatives of the press or broadcasting media from a meeting (whether during the whole or part of the proceedings at the meeting) on one or more of the following grounds:

- a) by reason of the confidential nature of the business to be transacted at the meeting;
- b) when publicity would be prejudicial to the public interest; and
- c) for such special reasons as may be specified in the resolution being reasons arising from the exceptional nature of the business to be transacted or of the proceedings at the meeting.

#### **4.16 Motions**

The mover of a motion shall have a right of reply at the close of any discussion on the motion or any amendment thereto.

When a motion is under discussion or immediately prior to discussion it shall be open to a member to move:

- a) An amendment to the motion;
- b) The adjournment of the discussion or the meeting;
- c) That the meeting proceed to the next business (\*);

- d) The appointment of an ad hoc Committee to deal with a specific item of business;
- e) That the motion be now put to a vote (\*);
- f) A motion resolving to exclude the public (including the press).

In the case of sub-paragraphs denoted by (\*) above: to ensure objectivity, only a member who has not previously taken part in the debate may put motions.

No amendment to the motion shall be admitted if, in the opinion of the Chair of the meeting, the amendment negates the substance of the motion.

When an adjourned item of business is re-commenced or a meeting is reconvened, any provisions for deputations or speaking rights, not previously undertaken, or other arrangements shall be treated as though no interruption had occurred.

### **Withdrawal of Motion or Amendments**

The proposer may withdraw a motion or amendment once moved and seconded with the concurrence of the seconder and the consent of the Chair.

### **Motion to Rescind a Resolution**

Notice of motion to amend or rescind any resolution (or the general substance of any resolution) that has been passed within the preceding 6 calendar months, shall bear the signature of the member who gives it and also the signature of 4 other PCC Council members.

When any such motion has been disposed of by the PCC Council, it shall not be appropriate for any member other than the Chair to propose a motion to the same effect within 6 months, however the Chair may do so if he/she considers it appropriate.

### **Chair's Ruling**



Statements of members made at meetings of the PCC Council shall be relevant to the matter under discussion at the material time and the decision of the Chair of the meeting on questions of order, relevancy, regularity and any other matters shall be final.

#### **4.17 Voting**

Every item or question at a meeting shall be determined by the Chair seeking the general assent of voting members or the expression of a wish to proceed to a vote. A vote shall be determined by the majority of the votes of the Chair of the meeting and members present and voting on the question; in the case of the number of votes for and against a motion being equal, the Chair of the meeting shall have a second or casting vote.

All questions put to the vote shall, at the discretion of the Chair of the meeting, be determined by oral expression or by a show of hands. A paper ballot may also be used if a majority of the members present so request.

If at least one third of the members present so request, the voting (other than by paper ballot) on any question may be recorded to show how each member present voted or abstained.

If a member so requests, his/her vote shall be recorded by name upon any vote (other than by paper ballot).

In no circumstances may an absent member vote by proxy. Absence is defined as being absent at the time of the vote.

Any officer in attendance at a meeting shall be recorded in the minutes.

#### **4.18 Suspension of Standing Orders**

Except where this would contravene any statutory provision or any direction made by the Department, one or more of the Standing Orders may be suspended at any

meeting, provided that at least two-thirds of the PCC Council are present, and that a majority of those present vote in favour of suspension.

A decision to suspend Standing Orders shall be recorded in the minutes of the meeting.

A separate record of matters discussed during the suspension of Standing Orders shall be made and shall be available to the Chair and members of the PCC Council.

No formal business may be transacted while Standing Orders are suspended.

The Audit and Risk Assurance Committee shall review every decision to suspend Standing Orders.

#### **4.19 Minutes**

The minutes of the proceedings of a meeting shall be drawn up and submitted for agreement at the next ensuing meeting where the person presiding at it shall sign them.

No discussion shall take place upon the minutes except upon their accuracy or where the Chair considers discussion appropriate. Any amendment to the minutes shall be agreed and recorded at the next meeting.

Minutes shall be circulated in accordance with members' wishes. Where providing a record of a public meeting the minutes shall be made available to the public upon request as required by Code of Practice on Openness in the HPSS and the Freedom of Information Act 2000.

#### **4.20 Committee Meeting Reports**

The reports of PCC Council Committees shall be brought to the PCC Council for information as follows:

- a) The Audit and Risk Assurance Committee will provide a report to the Council following each Committee meeting, outlining the issues discussed and papers recommended to the Council for noting and approval.
- b) All other Committees will provide regular reports to the Council.

#### **4.21 Variation and Amendment of Standing Orders**

These Standing Orders shall be amended only if:

- a notice of motion under the appropriate Standing Order has been given; and
- at least two-thirds of the PCC Council members are present; and
- no fewer than half of the total of the PCC Council members present vote in favour of the amendment; and
- the variation proposed does not contravene a statutory provision or direction made by the Department.

#### **4.22 Appointments**

##### **Appointment of the Chair and Members, and Terms of Office**

The legislative provisions governing the appointment of the Chair and members, and their terms of office, are contained in the Health and Social Care (Reform) Act (Northern Ireland) 2009. Non-Executive appointments are made in accordance with the Code of Practice, issued by the Commissioner for Public Appointments for Northern Ireland.

##### **Appointment of Acting Chair**

If the Chair is unable to conduct a PCC Council meeting, members shall appoint one from among the members present to act as Chair for that meeting.

If no meeting is scheduled or the Chair is not available and the Chief Executive Officer needs to take advice on an urgent matter, the Chief Executive Officer shall notify all members and obtain the agreement of members to appoint one of their number as Acting Chair.

Where the Chair of the PCC Council has died or has ceased to hold office, or where he/she has been unable to perform his/her duties as Chair owing to illness, absence from Northern Ireland or any other cause, the members will appoint one member to act as Chair until the Department of Health announces a replacement. References to the Chair in these Standing Orders shall, so long as there is no Chair able to perform his/her duties, be taken to include references to the Acting Chair.

#### **4.23 Potential Conflict of Interests**

Subject to the following provisions of this Standing Order, if the Chair or a PCC Council member has any potential conflict of interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the PCC Council at which the contract or other matter is the subject of consideration, he/she shall, at the meeting, and as soon as practicable after its commencement, disclose the fact. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision, and he/she shall withdraw from the meeting while the consideration or discussion of the contract or other matter and the vote is being taken.

In **exceptional circumstances** the individual who has declared a potential conflict of interest may be permitted to remain for the discussion where their expertise is specifically required to inform the other members in their discussions. This expert advice shall be restricted to the giving of factual and objective information before withdrawing while the decision and vote is taken.

The Department may, subject to such exceptional conditions as the Department may think fit to impose, remove any disability imposed by this Standing Order in any case in which it appears to be in the interests of the HSC that the disability shall be removed

The PCC Council may exclude the Chair or a PCC Council member from a meeting of the PCC Council while any contract, proposed contract or other matter in which he/she has a pecuniary interest, is under consideration.

Any remuneration, compensation or allowances payable for duties as the Chair or as a PCC Council member shall not be treated as a pecuniary interest for the purpose of this Standing Order.

For the purpose of this Standing Order the Chair or a PCC Council member shall be treated, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if:

- a) he/she, or a nominee of his/hers, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in any other matter under consideration; or
- b) he/she is a partner of or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in any other matter under consideration; and in the case of persons living together the interest of one partner shall, if known to the other, be deemed for the purposes of this Standing Order to be also an interest of the other.

The Chair or a PCC Council member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only:

- a) of his/her membership of a company or other body, if he/she has no beneficial interest in any securities of that company or other body.
- b) of an interest of his as a person providing Family Health Services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he/she provides; or
- c) of an interest in any company, body or person with which he/she is connected as mentioned in Standing Orders above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a

member in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

Where the Chair or a PCC Council member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he/she has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this Standing Order shall not prohibit him/her from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice however to his/her duty to disclose his/her interest.

This Standing Order applies to a Committee or Sub-Committee as it applies to the PCC Council and applies to a member of any such Committee or Sub-Committee (whether or not he/she is also a member of the PCC Council) as it applies to a member of the PCC Council.

## **5. POWERS RESERVED TO THE PCC COUNCIL**

### **5.1 Key Functions of the Council**

The matters reserved to the Board/Council of each HSC Organisation are derived from the Code of Conduct and Code of Accountability (April 2011) issued by the Department 18 July 2012. The Code of Conduct and Code of Accountability applies to the Council of the Agency created through the Health and Social Care (Reform) Act (Northern Ireland) 2009.

Section 7 of the Code of Accountability directs that HSC boards/Council have corporate responsibility for ensuring that the organisation fulfils the aims and objectives set by the Department/Minister, and for promoting the efficient, economic

and effective use of staff and other resources. To this end, the Council shall exercise the following functions:

- To establish the overall strategic direction of the organisation within the policy and resources framework determined by the Department/Minister;
- To oversee the delivery of planned results by monitoring performance against objectives and ensuring corrective action is taken as necessary;
- To ensure effective financial stewardship through value for money, financial control and financial planning and strategy;
- To ensure that high standards of corporate governance and personal behaviour are maintained in the conduct of the business of the whole organisation;
- To appoint, appraise and remunerate senior executives;
- To ensure that there is effective dialogue between the organisation and the local community on its plans and performance and that these are responsive to the community's needs; and
- To ensure that there are robust and effective arrangements in place for risk management.

## **5.2 Schedule of Powers Reserved for the Council**

**Section C - The Scheme of Reservation and Delegation** is sub-divided to correspond with the seven key functions specified above.

These matters are to be regarded as a guideline to the minimum requirement and shall not be interpreted so as to exclude any other issues which it might be appropriate, because of their exceptional nature, to bring to the PCC Council.

The Chair, in consultation with the Chief Executive Officer, shall determine whether other issues out with the following schedules of reserved powers shall be brought to the PCC Council for consideration.

## **6. POWERS DELEGATED BY THE PCC COUNCIL**

## **6.1 Arrangements for Delegation by the Council**

Subject to any directions given by the Department, the Council may make arrangements for the exercise, on its behalf, of any of its functions by a Committee or sub-Committee appointed by virtue of **SO 3.1**; subject to such restrictions and conditions as the PCC Council thinks fit.

The HPSS (NI) Order 1972 and the HPSS (NI) Orders 1991 and 1994 and the Health and Social Care Reform Act (Northern Ireland) 2009 allow for functions of the PCC to be carried out on behalf of the PCC Council by other people and bodies.

The PCC Council retains the responsibility for a service even if delegated.

### **Urgent Decisions**

Where decisions which would normally be taken by the Council need to be taken between meetings, and it is not practicable to call a meeting of the Council, the Chair, in consultation with the Chief Executive Officer, shall be authorised to deal with the matter on behalf of the Council. Such action shall be reported to Council members via email/phone with a formal report delivered at the next meeting.

### **Delegation to Committees**

The PCC Council shall approve the constitution and terms of reference of these Committees, or sub-Committees, and their specific executive powers. The PCC Council shall also agree any amendment to the powers of any Committees or sub-Committees as part of the annual review of Standing Orders.

### **Delegation to Officers**

The Chief Executive Officer shall be responsible to the PCC Council, for ensuring the exercise of PCC's functions efficiently and effectively. The Chief Executive Officer



shall determine which functions he/she shall perform personally and will be carried out by staff members.

The Chief Executive Officer shall prepare a Scheme of Delegation identifying his/her proposals, which shall be considered and approved by the PCC Council, subject to any amendment agreed during discussion. The Chief Executive Officer may periodically propose amendment to the Scheme of Delegation, which shall be considered and approved by the PCC Council as indicated above. The arrangements made by the PCC Council as set out in the "**Powers Reserved to the PCC Council and Powers Delegated by the PCC Council**" (**Sections 5 and 6 of SOs and Section C – Scheme of Reservation and Delegation**) shall have effect as if incorporated in these Standing Orders.

## **6.2 Chief Executive Officer's Scheme of Delegation**

The Chief Executive Officer will delegate specific areas of the Council's responsibility, which are not reserved to the Council and may be delegated to another officer.

## **6.3 Administrative Schemes of Delegation**

### **Custody of Seal**

The Common Seal of the PCC shall be kept by the Chief Executive Officer [or Secretary to the PCC Council] in a secure place.

### **Sealing of Documents**

The seal of the PCC shall not be fixed to any documents unless the sealing has been authorised by a resolution of the PCC Council. Before any building, engineering, property or capital document is sealed it must be approved and signed by the Head of Development and Corporate Services and authorised and countersigned by the Chief Executive Officer.

The signature of any member of the PCC Council and the Council Secretary is required to authenticate the application of the seal.

### **Register of Sealing**

An entry of every sealing shall be made and numbered consecutively in a book provided for that purpose, and shall be signed by the persons who shall have approved and authorised the document and those who attested the seal. A report of any seal shall be made to the PCC Council at its next meeting following the sealing. (The report shall contain details of the seal number, the description of the document and date of sealing).

### **Signature of Documents**

Where the signature of any document is a necessary step in legal proceedings involving the PCC, it will be signed by the Chief Executive Officer, unless any enactment otherwise requires or authorises. The PCC Council may give authority to some other person for the purpose of such proceedings, if necessary.

The PCC Council may, by resolution, authorise the Chief Executive Officer or another named staff member to sign any agreement or other document, which has not required to be executed as a deed. Any such signatures shall be reported to the PCC Council at its next meeting.

### **Delegation of Budgets for PCC Council Administration**

Each year the Chief Executive Officer will bring forward, for consideration and approval by the Executive Management Team, a schedule of budgetary delegation to individual managers for management and administration expenditure within the financial limits specified by the Department of Health.

### **Procedure for Delegating Power to Authorise & Approve Expenditure**

Each year the Chief Executive Officer will bring forward for consideration and approval by the Executive Management Team, a schedule of delegated authority for authorisation and approval of specific expenditure by managers and nominated individuals and associated authorisation and approval limits. Following approval, these will be shared with the Business Services Organisation to ensure only authorised individuals commit the PCC to expenditure within approved monetary limits.

### **Procedure for Quotations and Tendering**

Procedures for tendering and contracting are set out in Section 10 of the Standing Financial Instructions. The tendering and contracting for most services and supplies to the PCC will be undertaken by Procurement and Logistics Service (PALS) of the BSO in its role as a recognised centre of procurement expertise.

### **Use of Management Consultants**

DOH retains strict control over the use of Management Consultants and specifies the delegated limits within which the PCC may select and appoint consultants, using its tendering and contracting procedure. The PCC and its officers must comply with the most recent DOH guidance.

## **7. CODE OF CONDUCT**

The Code of Conduct and Code of Accountability, issued in July 2012, provides the basis on which the HSC bodies should seek to fulfil the duties and responsibilities conferred upon them by the DOH. The Code of Conduct and Accountability shall be made available to all Council members who shall subscribe to it and shall be judged upon the manner in which it is observed.

The HSC Code of Conduct (2016) incorporated the principles contained in the Code of Conduct for HPSS Managers 2013 and supersedes it. It is applicable to all HSC

employees, including managers, and sets out the core standards of conduct expected by all HSC staff.

The Codes state that high standards of corporate and personal conduct, based on public service values, must be at the heart of the Health and Social Care Organisations.

Since Health and Social Care Organisations are publicly funded, they must be accountable to the Minister for Health, and ultimately to the Northern Ireland Assembly and the Public Accounts Committee, for the services they provide and for the effective and economical use of taxpayers' money.

## **7.1 Health and Social Care Values**

There are four values, which must underpin the work of the Health and Social Care Organisations:

- Working Together;
- Compassion;
- Excellence; and
- Openness and Honesty.

All staff are expected to display the HSC values at all times.

In addition to the above principles, the Committee on Standards in Public Life (Nolan) set out the Seven Principles of Public Life, which shall be incorporated into each public body's codes of conduct. These are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;

- Honesty; and
- Leadership.

The PCC is committed to these principles and all individuals are expected to adhere to them in the course of their work.

## **7.2 General Principles**

Those who work in the PCC have a duty to:

- conduct business with probity;
- deal with patients, clients, carers, members of the public, staff, and suppliers impartially and with respect;
- achieve value for money from public funds; and
- demonstrate high ethical standards of personal conduct.

The Chair, Council members and all PCC employees/officers are required to accept the provisions of the **Code of Conduct and Code of Accountability (2012)** and **HSC Code of Conduct (2016)** on appointment and to follow the principles set out herein.

The PCC Council must set a rigorous and visible example and shall be responsible for corporate standards of conduct and ensure acceptance and application of the Codes. The Codes shall inform and govern the decisions and personal conduct of the Chair, Council members and all PCC employees/officers.

## **7.3 Public Service Values in Management**

It is a long established principle that public sector bodies, which include the PCC, must be impartial, honest and open in the conduct of their business, and that their employees shall remain beyond suspicion. It is also an offence under the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts 1906 and 1916 for an employee to accept any inducement or reward for doing, or refraining from

doing anything, in his or her official capacity, or corruptly showing favour or disfavour, in the handling of contracts.

In the Code of Conduct issued by the Department in July 2012, it was emphasised that public service values must be at the heart of Health and Social Care. HSC organisations, including the PCC, are accountable to the Minister of Health, and ultimately to the Northern Ireland Assembly and the Public Accounts Committee for the services they provide and for the effective and economical use of taxpayer's money.

It is unacceptable for the Board/Council of any HSC organisation, or any individual within the organisation for which the PCC Council is responsible, to ignore public service values in achieving results. The Chair, PCC Council Members and all staff have a duty to ensure that public funds are properly safeguarded and that at all times the PCC Council conducts its business as efficiently and effectively as possible.

Proper stewardship of public monies requires value for money to be high on the agenda of the PCC Council at all times. Employment, procurement and accounting practices within the PCC must reflect the highest professional standards.

Individuals are expected to:

- Ensure that the interests of patients and clients remain paramount at all times;
- Be impartial and honest in the conduct of their official business;
- Use public funds entrusted to them to the best advantage of the service as a whole always ensuring value for money in the procurement of goods and services.

Public statements and reports issued by the PCC, or individuals within the PCC, shall be clear, comprehensive and balanced, and shall fully represent the facts. They shall also appropriately represent the corporate decisions of the PCC, or be explicit in being made in a personal capacity, where this is considered necessary.

Annual and all other key reports shall (on request) be issued in good time to all individuals and groups in the community who have a legitimate interest in health and social care issues to allow full consideration by those wishing to attend public meetings on local health and social care issues.

#### **7.4 Public Business and Private Gain**

The Code of Conduct issued in July 2012 also outlined the principle that the Chair, PCC Council Members and all staff shall act impartially and shall not be influenced by social or business relationships. No one shall use their public position to further their private interests.

It is the responsibility of all staff to ensure that they do not:

- Abuse their official position for personal gain or to benefit their family or friends or to benefit individual contractors;
- Seek to advantage or further private business or other interests in the course of their official duties.

Where there is a potential for private, voluntary or charitable interests to be material and relevant to PCC Council or HSC business, the relevant interest shall be declared and recorded in the PCC Council minutes and entered into a register, which is available to the public. This is set out in more detail in **SO.7.7**.

When a conflict of interest is established or perceived, the Chair, PCC Council Member or member of staff shall withdraw and play no part in the relevant discussion or decision.

#### **7.5 Counter Fraud Policy**

The PCC is committed to maintaining an honest, open and well-intentioned atmosphere. It is therefore also committed to the elimination of any fraud within or against the PCC Council, and to the rigorous investigation of any such cases.

The PCC wishes to encourage anyone with reasonable suspicions of fraud to report them. Therefore the PCC shall rigorously enforce the Raising Concerns At Work (Whistleblowing) Policy (**see SO. 7.9**), in that no employee will suffer in any way as a result of reporting reasonably held suspicions.

The PCC has in place a Fraud Response Policy and Response Plan, to give officers specific direction in dealing with cases of suspected fraud, theft or corruption. Advice may also be obtained from the Head of Development and Corporate Services.

## **7.6 Hospitality**

The use of public funds for hospitality and entertainment shall be carefully considered within the guidelines issued by the Department as outlined in the Standing Financial Instructions.

## **7.7 Declaration of Interests**

The '**Code of Conduct and Accountability**' requires the Chair and PCC Council Members to declare interests, which are relevant and material to the PCC. All existing managers or budget-holders within the PCC, having delegated responsibility to commit or influence commitment of Public Funds, shall declare such interests. Any managers appointed subsequently shall do so on appointment.

Interests that shall be regarded as 'relevant and material' are:

- a) Directorships, including non-executive directorships held in private companies or Public Limited Companies (with the exception of those of dormant companies);
- b) Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the HSC;



- c) Majority or controlling share holdings in organisations likely or possibly seeking to do business with the HSC;
- d) A position of trust in a charity or voluntary organisation involving the field of health and social care;
- e) Any connection with a HSC organisation, voluntary organisation or other organisation contracting for HSC services; and
- f) Any other commercial interest in the decision before the meeting.

At the time, PCC Council Members' interests are declared, they shall be recorded in the PCC Register of Interests. Any changes in interests shall be declared at the Council meeting following the change occurring and updated on the Register of Interests.

PCC Council Members' directorships of companies likely or possibly seeking to do business with the HSC shall be published in the PCC Council's Annual Report. The information shall be kept up to date for inclusion in succeeding Annual Reports.

During the course of a PCC Council meeting, if a conflict of interest is established, the Member concerned shall, as soon as practicable after its commencement, disclose the fact. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision. The member shall withdraw from the meeting and play no part in the relevant discussion or decision.

There is no requirement under the code, for members to declare 'relevant and material' interests as defined above, held by their spouses or partner. However, it is a requirement of the Constitution Regulations that in the case of married persons, or persons (whether of different sexes or not) living together as if married, the pecuniary interest of one partner shall, if known to the other, be deemed to be also an interest of the other and shall be so disclosed.

The principles of the Bribery Act 2011 must be borne in mind by all PCC officers in conducting business.

## **Register of Interests**

The Chief Executive Officer shall ensure that a Register of Interests is established to record formally declarations of interests of relevant members and officers of the PCC. In particular the Register shall include details of all directorships and other relevant and material interests, which have been declared by PCC Chair and Council Members, managers and budget-holders.

These details shall be kept up to date and formally subject to an annual review in which any changes to interests declared during the preceding twelve months shall be confirmed.

The Register shall be available to the public and the Chief Executive Officer shall take reasonable steps to bring the existence of the Register to the attention of the local population and to publicise arrangements for viewing it.

If PCC Council Members or relevant officers have any doubt about the relevance of an interest, this shall be discussed with the Chair/ Chief Executive Officer as appropriate.

The general principle to be adopted is that if there is uncertainty regarding the need to disclose a particular interest then, in the interests of openness, disclosure shall be made.

## **7.8 Staff Policies and Procedures**

The PCC has a number of policies and procedures on a range of issues affecting staff and how they work within the PCC. These are detailed on the e-learning portal, PCC website and available from line managers.

The content of these policies has been consulted on with recognised staff side organisations and cover issues such as: - health and safety, equal opportunities, ICT security, absence due to sickness, special leave and work life balance arrangements, training and development opportunities, travel arrangements and staff raising concerns at work (See **SO.7.9** below).

## **7.9 Staff Raising Concerns at Work**

The PCC is committed to dealing responsibly with any genuine concern that a member of staff may have about malpractice within the organisation. Therefore in the interest of developing an open and honest culture within which staff can raise genuine concerns without fear of recrimination or victimisation the PCC has put in place a Raising Concerns at Work Policy (Whistleblowing).

### **7.10 Personal Liability of Council members**

The Code of Accountability sets out the personal liability of Council members. Legal proceedings by a third party against individual Council member are very exceptional. A Council member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Department of Health has indicated that individual Council members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Council functions.

## **8. POWERS AND DUTIES**

The powers and duties of individuals within the PCC are generally set out in the relevant Job Descriptions and Contract of Employment. All individuals are expected to behave at all times in accordance with the Standing Orders.

Those individuals who comprise the PCC Council, that is the Chair, and PCC Council Members, shall pay regard to **SO.5**, which sets out the main functions of the PCC Council and those matters that are reserved to the PCC Council.

When acting in the capacity of a member of a PCC Committee, those individuals shall pay regard to the appropriate Scheme of Delegation, which sets out those matters which have been delegated by the PCC Council.

The Chief Executive Officer, Heads of Departments, Senior Officers, and other staff, shall pay regard to any appropriate Scheme of Delegation either by the PCC Council or by the Chief Executive Officer. This may delegate responsibility to the individual in a personal capacity or as a member of a planning group or other multidisciplinary group.

Individuals are accountable through their departmental management structure as well as through any participation on a multidisciplinary group or functional role.



**SECTION C - Scheme of  
Reservation and Delegation  
for the Patient and Client  
Council (The PCC)**

**Revised January 2022**

**The Scheme of Reservation and  
Delegation is based on the seven  
functions of the PCC Council.  
This document is the Schedule of  
Powers Reserved for the Council  
of the PCC.**

## 1. Set Strategic Direction

To set the strategic direction of the PCC within the overall policies and resources framework determined by the Department/  
Minister of Health, define its annual and longer-term objectives and agree plans to achieve them.

ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
Corporate Plan	Approve the plan	Mid November or as Determined	Chair
Financial Plan	Approve recurrent expenditure proposals annually	By 31 March each year consistent with DoH principles of <i>'Promoting Financial Stability'</i>	Chair
Governmental, Departmental and HSC proposals relating to Health and Social Care including Programme for Government, Northern Ireland Budget and Departmental (DoH) strategic proposals	Approve response to consultative proposals	As determined by consultative Documents	Chair
Approval of New / Revised PCC Council Policy, as appropriate	Consider the implications of any proposals to introduce new or revised policy including the identification of any significant financial risk	Affordability within Department expenditure limits and other statutory controls	Chair

## 2. Monitor Performance

To oversee the delivery of planned results by monitoring performance against objectives and ensuring corrective action is taken as necessary

ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
Operations Plan Performance	Monitor performance against agreed Operations Plan and ensure corrective action is taken	Periodic reports to the Council of the PCC	Chair of Business Committee
Service Agreement Performance	Monitor performance against service agreements, ensure corrective action is taken and ensure appropriate action plans are pursued with providers	Periodic reports supplemented by additional monitoring of specific issues as and when required	Chair of Business Committee
Staffing Levels	Monitor staffing levels and approve submission to Equality Commission	Submission of three-yearly return	Chair of Business Committee

### 3.1. Financial Stewardship

To ensure effective financial stewardship through value for money, financial control and financial planning and strategy

	ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
	Financial Performance Framework	To ensure that the PCC Council achieves its financial performance targets	As determined by the Department	Chair
	Annual Financial Plan	Approve plan within Departmental expenditure limits	By 31 March each year	Chair
	Monitoring	Monthly monitoring reports covering: <ul style="list-style-type: none"> <li>• Development &amp; Corporate Services Department</li> <li>• Operations Department</li> </ul>	Monthly	Chair of Business Committee



**3.2 Financial Stewardship**  
To ensure effective governance and audit arrangements

<b>ITEMS</b>	<b>RESPONSIBILITY/TASK</b>	<b>CONTROLS</b>	<b>LEAD PERSON</b>
Annual Assurance on Internal Control	Receive assurance on adequacy and effectiveness of system of internal control	From Audit and Risk Assurance Committee	Chair of Audit and Risk Assurance Committee
PCC Governance Statement	Approve PCC Annual Governance Statement	Recommended for approval by Audit and Risk Assurance Committee in keeping with the Departmental timetable	Chief Executive Officer/ Chair of Audit and Risk Assurance Committee
Annual Accounts (and supporting Financial excerpt in the Annual Report)	Approve for submission to Department and for inclusion in Annual Report	Recommended for approval by Audit and Risk Assurance Committee	Chair of Audit and Risk Assurance Committee
Report To Those Charged With Governance (External Audit)	Consider RTTCG recommendations and approve requisite action plan and response to External Auditor	By end October each year following recommendation by Audit and Risk Assurance Committee	Chair of Audit and Risk Assurance Committee
Fraud Prevention and Detection	Receive assurance from the Audit and Risk Assurance Committee	Annual report to the Council	Chair of Audit and Risk Assurance Committee

#### 4.1. Corporate Governance & Personal Behaviour and Conduct

To ensure that high standards of corporate governance and personal behaviour are maintained in the conduct of the business of the whole organisation.

ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
Schedule of Matters Reserved to the Council	Approve new or revised versions	Following consideration & approval by Audit and Risk Assurance Committee	Chair
Scheme of Delegation of Powers	Approve new or revised versions	Following consideration & approval by Audit and Risk Assurance Committee	Chair
Standing Financial Instructions	Approve new or revised versions	Following consideration & approval by Audit and Risk Assurance Committee	Chair
Conduct of PCC Council Meetings	Approve new or revised versions	If / When required or revised	Chair
PCC Committees	Approve establishment, terms of reference, membership & reporting arrangements of PCC Committees: <ul style="list-style-type: none"> <li>• Audit and Risk Assurance Co</li> <li>• Others as required</li> </ul>	Following recommendation for approval by the Audit and Risk Assurance Committee And other approved Committees	Chair

**4.2. Corporate Governance & Personal Behaviour and Conduct**  
Code of Conduct and Code of Accountability

ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
Implementation	Approve measures to ensure that all Council Members and staff are aware of the public service and HSC values which must underpin their conduct	All Council Members to attend DoH <i>On Board training</i>  All staff to have induction which incorporates organisational values	Chair
Concerns of Staff & Others	Ensure arrangements are in place to guarantee that concerns expressed by staff & others are fully investigated & acted upon as appropriate and that all staff are treated with respect.	All staff to have induction training including mandatory training	Chair

**5. To put in place systems to appoint, appraise senior officers and appraise Council Members**

	<b>ITEMS</b>	<b>RESPONSIBILITY/TASK</b>	<b>CONTROLS</b>	<b>LEAD PERSON</b>
	Arrangements for appointment of senior officers	Ensure that proper arrangements are in place for the composition of interview panels for the appointment of senior officers	Panel composition in accordance with PCC selection and recruitment policies	Chair of Appointments and Remuneration Committee
	Appraisal of Council Members	Ensure annual appraisal	Annually	Chair

### 6. Working Together with Local Communities

To ensure that there is effective engagement between the organisation and the local communities on its plans and performance and that these are influenced by and responsive to community needs

	ITEMS	RESPONSIBILITY/TASK	CONTROLS	LEAD PERSON
	PCC Council Meetings	To hold meetings in public throughout Northern Ireland which can be either physically or virtually depending on circumstances	Monthly or as agreed by PCC Council. Only exceptional categories of items to be considered in a section of the meeting not open to the public	Chair
	Consultation	Invite and receive views from the public on proposals for strategic change	Consistent with Departmental guidance on consultation and processes	Chair
	Annual Report	Approve report as being reflective of PCC statutory functions. The report should demonstrate work of the PCC across NI including work with local communities	Following the recommendation of the Audit and Risk Assurance Committee - To be signed by Chair and Chief Executive Officer and submitted to Department by (submit date) following the end of the year to which the report relates	Chair

## 7. Risk Management

To ensure that there is a robust and effective risk management system in operation.

	<b>ITEMS</b>	<b>RESPONSIBILITY/TASK</b>	<b>CONTROLS</b>	<b>LEAD PERSON</b>
	Risk Management Framework	To ensure that an appropriate risk management framework is In place and operating effectively	Audit and Risk Assurance Committee provide assurance on risk management system	Chair/Chair of Audit and Risk Assurance Committee
	Risk Management Strategy	The development of a Risk Management Strategy which Identifies, quantifies and Manages risks	Audit and Risk Assurance Committee provide assurance on risk management strategy	Chair/Chair of Audit and Risk Assurance Committee
	Risk Registers	Regular monitoring and review of identified risks	Audit and Risk Assurance Committee provide assurance on risk register	Chair/Chair of Audit and Risk Assurance Committee



**SECTION D – Standing  
Financial Instructions  
for the Patient and Client  
Council (The PCC)**

**Revised January 2022**

## SECTION D - STANDING FINANCIAL INSTRUCTIONS

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## 1. INTRODUCTION

1.1 The Council shall agree Standing Financial Instructions (SFIs) for the regulation of the conduct of its members and employees in relation to all financial matters with which they are concerned. They shall have effect as if incorporated in the Standing Orders (SOs).

1.2 These SFIs detail the financial responsibilities, policies and procedures adopted by the Patient and Client Council (PCC). They are designed to ensure that its financial transactions are carried out in accordance with the law and Government policy in order to achieve probity, accuracy, economy, efficiency and effectiveness. They should be used in conjunction with the SOs, Schedule of Decisions Reserved for Council and the Schedule of Delegated Authority adopted by Council.

1.3 These SFIs identify the financial responsibilities that apply to everyone working for the PCC including third parties contracted to the PCC acting on behalf of the PCC. They do not provide detailed procedural advice and should be read in conjunction with the detailed departmental and financial procedure notes. The Chief Executive Officer or Delegated Officer must approve all financial procedures.

1.4 Should any difficulties arise regarding the interpretation or application of any of the SFIs then the advice of the Chief Executive Officer or Delegated Officer must be sought before acting. The user of these SFIs should also be familiar with and comply with the provisions of the SOs.

1.5 Failure to comply with SFIs and SOs can in certain circumstances be regarded as a disciplinary matter, which could result in dismissal.

1.6 If these SFIs are not complied with in any significant or material respect, full details and any justification for non-compliance shall be reported to the next formal meeting of Audit and Risk Assurance Committee for referring action or ratification. All Council members and employees have a duty to disclose any significant or material non-compliance with these Standing Financial Instructions to the Chief Executive Officer or Delegated Officer as soon as possible.

## 2. INTERPRETATION

2.1 Any expression to which a meaning is given in the Health and Personal Social Services Orders 1972 or Health and Social Care (Reform) Act (Northern Ireland) 2009, shall have the same meaning in these SFIs and in addition:

**“Accounting Officer”** shall be the officer responsible and accountable for funds entrusted to the PCC. He/she will be responsible for ensuring the proper stewardship of public funds and assets. For the PCC it shall be the Chief Executive Officer (as specified by the DOH Permanent Secretary as Accounting Officer).

**“PCC”** means the Patient and Client Council.

**“Council”** shall mean Chair, and members of the PCC, appointed by the Minister with responsibility for Health and Social Care.

“**BSO**” means the Business Services Organisation.

“**Budget**” means a resource expressed in financial terms, proposed by Council for the purpose of carrying out, for a specific period, any or all of the functions of the PCC.

“**Budget Holder**” means the Officer or employee with delegated authority to manage finances (income and expenditure) for a specific area of the PCC.

“**Chief Executive Officer**” means the chief officer of the PCC.

“**Committee**” shall mean a Committee created by Council either for its own good governance or by Departmental direction or by legislation.

“**Committee members**” shall be persons formally appointed by Council to sit on or to chair specific Committees.

“**Department**” means the Department of Health (DOH). The term ‘Department’ does appear as part of the title of other Government organisations and in these instances the title is given in full.

“**Head of Development and Corporate Services**” is the Delegated Officer on behalf of the Chief Executive Officer to ensure the PCC has appropriate financial advice.

“**HSC**” refers to Health and Social Care (this was previously known as HPSS and references to HPSS relate to previously published documents).

“**HSCB**” means the Regional Health and Social Care Board.

“**Legal Adviser**” means an appropriately qualified person from whom the PCC receives legal advice.

2.2 Wherever the title Chief Executive Officer, Head of Development and Corporate Services or other nominated officer is used in these SFIs, it shall be deemed to include such other officers who have been duly authorised to represent them.

2.3 Wherever the term ‘employee’ is used it shall be deemed to include employees of third parties contracted to the PCC when acting on behalf of the PCC.

### **3. RESPONSIBILITIES AND DELEGATION**

3.1 The Council exercises financial supervision and control by:

- (a) formulating the financial strategy;
- (b) requiring the submission and approval of budgets within approved allocations/overall income;

- (c) defining and approving essential features in respect of important procedures and financial systems (including the need to obtain value for money);
- (d) defining specific responsibilities placed on Council members and employees as indicated in the Scheme of Delegation documents; and
- (e) ensuring that it receives and reviews regular financial information concerning the management of the PCC and that it is informed on a timely basis about any concerns regarding the activities of the PCC.

3.2 The PCC shall delegate responsibility for the performance of its functions in accordance with the Scheme of Delegation documents adopted by Council. (The Council shall keep the extent of delegation under review)

3.3 The Chief Executive Officer will, as far as possible, delegate their detailed responsibilities, but they remain accountable for financial control. Within the SFIs, it is acknowledged that the Chief Executive Officer is ultimately accountable to the Council, and as Accounting Officer, to the Minister for the Department of Health. The Chief Executive Officer is personally responsible for safeguarding the public funds for which he/she has charge; for ensuring propriety and regularity in the handling of those funds and for the day-to-day operations and management of the PCC. In addition, he/she should ensure that the PCC meets the standards set out in Managing Public Money NI (MPMNI) in relation to governance, decision-making and financial management. The Chief Executive Officer has overall executive responsibility for the PCC's activities; is responsible to the Chair and the Council for ensuring that its financial obligations and targets are met and has overall responsibility for the PCC's system of internal control.

3.4 It is a duty of the Chief Executive Officer to ensure that members of Council, employees and all new appointees are notified of, and put in a position to understand, their responsibilities within these SFIs.

3.5 The Chief Executive Officer or her/his Delegated Officer is responsible for:

- (a) implementing the PCC's financial policies and for coordinating any corrective action necessary to further these policies;
- (b) maintaining an effective system of internal control including ensuring that detailed financial procedures and systems incorporating the principles of separation of duties and internal checks are prepared, documented and maintained to supplement these SFIs;
- (c) ensuring that sufficient records are maintained to show and explain the PCC's transactions, in order to disclose, with reasonable accuracy, the financial position of the PCC at any time;

and, without prejudice to any other functions of employees of the PCC, the duties of the Chief Executive Officer or Delegated Officer include:

- (d) the provision of financial advice to other members of Council and employees;
- (e) the design, implementation and supervision of systems of internal financial control;
- (f) the preparation and maintenance of such accounts, certificates, estimates, records and reports as the PCC may require for the purpose of carrying out its statutory duties.

3.6 All members of the Council and employees, severally and collectively, are responsible for:

- (a) the security of the property of the PCC;
- (b) avoiding loss;
- (c) exercising economy and efficiency in the use of resources; and
- (d) conforming with the requirements of SOs, SFIs, Financial Procedures, Scheme of Delegation and other financial procedures which the Chief Executive Officer or Delegated Officer may issue.

3.7 Any contractor or employee of a contractor who is empowered by the PCC to commit the PCC to expenditure or who is authorised to obtain income shall be covered by these SFIs. It is the responsibility of the Head of Development and Corporate Services to ensure that such persons are made aware of this.

3.8 For all members of Council and any employees who carry out a financial function, the form in which financial records are kept and the manner in which members of Council and employees discharge their duties must be to the satisfaction of the Chief Executive Officer or Delegated Officer.

## **4. AUDIT**

### **Audit and Risk Assurance Committee**

4.1 In accordance with Standing Orders and the Cabinet Office's guidance on Codes of Practice for Public Bodies (FD/DFP 03/06) the Council shall formally establish an Audit and Risk Assurance Committee, with clearly defined terms of reference and following guidance from the Audit and Risk Assurance Handbook (NI) 2018. The Audit and Risk Assurance Committee will provide an independent and objective view of its governance and internal control arrangements by:

- (a) overseeing Internal and External Audit services;
- (b) reviewing the adequacy of all risk and control related disclosure statements (in particular the Mid-Year Assurance Statement and the Governance Statement) together with any accompanying Head of Internal

Audit Assurance Statement, external audit opinion and other appropriate independent assurances prior to endorsement by Council;

- (c) reviewing financial and information systems and monitoring the integrity of the financial statements and reviewing significant financial reporting judgements;
- (d) reviewing the establishment and maintenance of an effective system of governance, risk management and internal control, across the whole of the organisation's activities, that supports the achievement of the organisation's objectives;
- (e) ensuring compliance with SOs and SFIs;
- (f) reviewing schedules of losses and compensations and making recommendations to Council regarding their approval; and
- (g) reviewing the adequacy of the policies and procedures for all work related to countering theft, fraud and corruption.

4.2 Where the Audit and Risk Assurance 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 Chair of the Audit and Risk Assurance Committee should discuss the matter initially with the Chief Executive Officer and then, if appropriate, raise the matter at a full meeting of the Council. Exceptionally, the matter may need to be referred to the Department of Health.

4.3 It is the responsibility of the Chief Executive Officer or Delegated Officer to ensure that an adequate Internal Audit service is provided and the Audit and Risk Assurance Committee shall be involved in any selection process when/if an Internal Audit service provider is changed.

### **Head of Development and Corporate Services**

4.4 The Head of Development and Corporate Services is responsible for:

- (a) ensuring there are arrangements to review, evaluate and report on the effectiveness of internal financial control including the establishment of an effective Internal Audit function;
- (b) ensuring that the Internal Audit function is adequate and meets the mandatory Public Sector Internal Audit Standards (PSIAS) having due regard to DOH guidance detailing internal audit arrangements between a sponsoring Department and its Arms Length Bodies;
- (c) deciding at what stage to involve the police in cases of misappropriation and other irregularities in accordance with the PCC's Fraud Response Plan;
- (d) ensuring that an annual audit report is prepared for the consideration of the

Audit and Risk Assurance Committee. The report must cover:

- i. a clear opinion on the effectiveness of internal control in accordance with the assurance framework guidance issued by the DOH;
  - ii. major internal control weaknesses discovered;
  - iii. progress on the implementation of internal audit recommendations; and
  - iv. progress against plan over the previous year.
- (e) ensuring that an annual internal audit strategic plan covering the coming three years is produced and, based on year one of this plan, an operational plan for the coming year.

4.5 The Chief Executive Officer or Delegated Officer or designated auditors are entitled without necessarily giving prior notice to require and receive:

- (a) access to all records, documents and correspondence relating to any financial or other relevant transactions, including documents of a confidential nature;
- (b) access at all reasonable times to any land, premises or Council members or employee of the PCC;
- (c) the production of any cash, stores or other property of the PCC under the control of a Council member or an employee; and
- (d) explanations concerning any matter under investigation.

### **Role of Internal Audit**

4.6 Internal Audit shall review, appraise and report upon:

- (a) the extent of compliance with, and the financial effect of, relevant established policies, plans and procedures;
- (b) the adequacy and application of financial and other related management controls;
- (c) the suitability of financial and other related management data;
- (d) the extent to which the PCC's assets and interests are accounted for and safeguarded from loss of any kind, arising from;
  - fraud and other offences;
  - waste, extravagance, inefficient administration; and
  - poor value for money or other causes.

- (e) the adequacy of follow up action taken by management in response to Internal Audit reports; and
- (f) the Head of Internal Audit shall provide an annual opinion on the PCC's risk management, control and governance arrangements. This opinion is based upon, and limited to, the results of the Internal Audit work performed during the year as approved by the Audit and Risk Assurance Committee.

4.7 Whenever any matter arises which involves, or is thought to involve irregularities concerning cash, stores or other property or any suspected irregularity in the exercise of any function of a pecuniary nature, the Head of Development and Corporate Services must be notified immediately.

4.8 The Head of Internal Audit will normally attend Audit and Risk Assurance Committee meetings and has a right of access to all Audit and Risk Assurance Committee members, the Chair of Council, and the Chief Executive Officer of the PCC.

4.9 The Head of Internal Audit shall be accountable to the Chief Executive Officer or Designated Officer. The reporting system for Internal Audit shall be agreed between the Chief Executive Officer or Designated Officer, the Audit and Risk Assurance Committee and the Head of Internal Audit. The agreement shall be in writing and shall comply with the guidance on reporting contained in the Public Sector Internal Audit Standards (PSIAS). The reporting system shall be reviewed at least every three years.

### **External Audit**

4.10 The Comptroller and Auditor General for Northern Ireland is the appointed External Auditor for the PCC. He/she may outsource the delivery of the external audit programme to an appropriately qualified third party organisation.

4.11 If there are any problems relating to the service provided by an outsourced External Auditor, then this should be raised initially with the External Auditor and referred on to the NI Audit Office if the issue cannot be resolved. The Chief Executive Officer or Designated Officer will notify the Audit and Risk Assurance Committee and the Council of any such instances.

4.12 Value-For-Money assignments carried out by the External Auditor are directed by a nominated senior officer within DOH. The cost of such assignments is borne by DOH.

4.13 The Comptroller & Auditor General has a statutory right of access to all relevant documents as provided for in Articles 3 and 4 of the Audit and Accountability (NI) Order 2003.

### **Fraud and Corruption**

4.14 In line with their responsibilities, the Head of Development & Corporate

Services shall monitor and ensure compliance with all guidance issued by the DOH on fraud, bribery and corruption.

4.15 The Head of Development & Corporate Services is responsible for:

- (a) assessing, identifying, evaluating and responding to risks of bribery or fraud;
- (b) ensuring appropriate arrangements are in place for deterring, preventing, detecting and investigating fraud or bribery;
- (c) ensuring that the Audit and Risk Assurance Committee formally considers the anti-fraud measures in place;
- (d) reporting immediately all suspected or proven frauds, including attempted fraud to the sponsor Department; and
- (e) complying with all guidance issued by DOH.

4.16 The Chief Executive Officer shall nominate a suitable person to carry out the duties of the Fraud Liaison Officer as specified by the DOH Counter Fraud Policy and guidance.

4.17 The Fraud Liaison Officer shall report to the Chief Executive Officer or Designated Officer and shall work with staff in the Counter Fraud and Probity Service in the Business Services Organisation and the Regional Counter Fraud Policy Unit in accordance with DOH Counter Fraud Policy.

4.18 The Head of Development & Corporate Services will provide a written report to the Audit and Risk Assurance Committee, at least annually, on counter fraud work within and on behalf of the PCC.

## **5. RESOURCE CONTROL LIMIT**

5.1 The PCC's revenue and capital expenditure form part of the DOH's Resource Delegated Expenditure Level (DEL) and Capital DEL respectively.

5.2 The PCC shall not, without prior written DOH approval, enter into any undertaking to incur any expenditure which falls outside the PCC's delegations or which is not provided for in the PCC's annual budget as approved by the DOH or the HSC Board on its behalf.

5.3 The PCC is obliged to act in line with the guidance as set out in circular HSS(F)17/2009 which deals with the HSC Finance Regime. This states that the PCC is obliged to:

- contain expenditure within the overall resources allocated subject to any ring-fencing constraints;



- maintain a constructive dialogue with other HSC organisations;
- ensure that their services are offered at a price which reflects economic and efficient use of resources, and complies fully with financial requirements;
- provide evidence to Commissioners on input costs in areas with no agreed output measure and agree Service and Budget Agreement (SBA) investment levels;
- comply with SBA investment decisions taken in the context of the gap between provider's costs and benchmark costs and which strike a balance between best practice benchmarks and provider's costs in year;
- work with Commissioners to develop a strategy to address gaps between provider costs and best practice benchmarks;
- identify slippage on ring fenced resources for redeployment by Commissioners;
- take a joint risk sharing approach with Commissioners to the management of cost pressures identified;
- work jointly with Commissioners to reprofile services, incorporating bridging finance milestones and timeframes within SBA;
- work with the DOH and Commissioners to manage the service implications of the capital programme;
- commission services from the independent sector as part of an agreed strategy which acknowledges and accounts for the short and long run implications for the statutory sector;
- undertake service developments or enhancements only with the approval of Commissioners except in the most exceptional of circumstances.

## **6. REVENUE RESOURCE LIMIT, PLANNING, BUDGETS, BUDGETARY CONTROL AND MONITORING**

### **Revenue Resource Limit**

6.1 The Head of Development and Corporate Services of the PCC shall:

- (a) periodically review the basis and assumptions used for distributing the Revenue Resource Limit (RRL) and ensure that these are reasonable and

realistic and secure the PCC's entitlement to funds;

- (b) for each financial year submit to the Council for approval a financial plan showing the total RRL and other allocations received and their proposed distribution including any sums to be held in reserve; and
- (c) regularly update the Council on significant changes to the initial RRL and the uses of such funds.

### **Preparation and Approval of Plans and Budgets**

6.2 The Head of Operations on behalf of the Chief Executive Officer shall compile and submit to Council an annual operational plan, which takes into account financial targets and forecast limits of available resources. The annual operational plan shall contain:

- (a) a statement of the significant assumptions on which the plan is based;
- (b) details of the organisation's priorities and objectives; and
- (c) details of major changes in workload, delivery of services or resources required to achieve the plan.

6.3 Prior to the start of the financial year the Head of Development and Corporate Services shall on behalf of the Chief Executive Officer prepare and submit budgets for approval by Council. Such budgets shall:

- (a) be in accordance with the aims and objectives set out in the operational plan;
- (b) agree with workload and manpower plans;
- (c) be produced following discussion with appropriate budget-holders;
- (d) be prepared within the limits of available funds; and
- (e) identify potential risks.

6.4 The Head of Development and Corporate Services shall monitor financial performance against budgets and plans, review them on a monthly basis, and report to Council.

6.5 All budget holders must provide information as required by the Head of Development and Corporate Services to enable budgets to be compiled.

6.6 The Head of Development and Corporate Services has a responsibility to ensure that adequate training is delivered on an on-going basis to budget holders to help them manage their budgets successfully.

## **Budgetary Delegation**

6.7 The Chief Executive Officer delegates the management of budgets to budget holders to permit the performance of a defined range of activities. This delegation must be in writing and be accompanied by a clear definition of:

- (a) the amount of the budget;
- (b) the purpose(s) of each budget heading;
- (c) individual and group responsibilities;
- (d) authority to exercise virement, only within total revenue or total capital;
- (e) achievement of planned levels of service; and
- (f) the provision of regular reports.

6.8 The Chief Executive Officer and delegated budget holders must not exceed the total RRL set by the HSC Board.

6.9 All budget holders must ensure that the necessary business case preparation and approvals, for expenditure decisions, have been obtained before committing to recurrent revenue expenditure or to support any other proposed investment. Failure to obtain the required approvals will mean that the expenditure has been incurred without the required authority and is therefore deemed to be irregular. This could lead to a qualification of the audit opinion in the PCC's annual financial statements. Budget holders should refer to the latest DOH guidance on business cases and the NI Guide on Expenditure Appraisal and Evaluation.

6.10 Any budgeted funds not required for their designated purpose(s) revert to the immediate control of the Chief Executive Officer. Where DOH resources allocated for a particular purpose are not required or not required in full, for that purpose, approval of the HSC Board must be obtained before any redistribution within the PCC.

6.11 Non-recurrent budgets shall not be used to finance recurring expenditure without the authority in writing of the Chief Executive Officer.

6.12 All budget holders are required to regularly review all projected expenditure and identify to the Head of Development and Corporate Services on a timely basis, where inescapable expenditure has the potential to breach their delegated budget.

## **Budgetary Control and Reporting**

6.13 The Head of Development and Corporate Services shall plan and maintain systems of budgetary control. These shall include:

- (a) monthly financial reports to Council in an approved form containing the following:

- income and expenditure to date and forecast year-end position;
  - capital project spends and projected outturn against plan;
  - explanations of any material variances from plan;
  - monitoring information in relation to savings plans; and
  - details of any corrective action where necessary and the Chief Executive Officer's and/or Head of Development and Corporate Service's view of whether such actions are sufficient to correct the overall financial plan;
- (b) the issue of timely, accurate and clear advice and financial reports to each budget holder, covering the areas for which they are responsible;
- (c) investigation and reporting of variances from financial, workload and manpower budgets;
- (d) monitoring of management action to correct variations; and
- (e) arrangements of the authorisation of budget transfers.

6.14 Each budget holder is responsible for ensuring that:

- (a) any likely overspending or reduction of income which cannot be met by a solution, is not incurred without the prior consent of the Chief Executive Officer or Delegated Officer;
- (b) the amount provided in the approved budget is not used in whole or in part for any purpose other than that specifically authorised;
- (c) no permanent employees are appointed without the approval of the Chief Executive Officer or Delegated Officer, other than those provided for within available resources and manpower establishment as approved by Council;
- (d) budget holders should attend such training as is deemed necessary by the Chief Executive Officer or Delegated Officer.

6.15 The Head of Development & Corporate Services is responsible for identifying and implementing cost improvements and income generation initiatives in accordance with the requirements of the annual operational plan and a balanced budget.

### **Monitoring Returns**

6.16 The Head of Development & Corporate Services is responsible for ensuring that the appropriate monitoring forms are submitted to the necessary monitoring organisation.

## **7. ANNUAL ACCOUNTS AND REPORTS**

7.1 The Chief Executive Officer or Delegated Officer, on behalf of the PCC, will:

- (a) prepare financial returns in accordance with the accounting policies and guidance given by the DOH and the Department of Finance (FReM), the PCC's accounting policies, and International Financial Reporting Standards;
- (b) prepare and submit as a single document an audited annual report of the PCC's activities together with its audited annual accounts to the DOH certified in accordance with current timetable and guidelines; and
- (c) submit financial returns to the DOH for each financial year in accordance with the timetable prescribed by the DOH.

7.2 The PCC's annual report and annual accounts must be audited by the Comptroller and Auditor General to the NI Assembly. The PCC's audited annual accounts must be presented to a public meeting and made available to the public after laying before the NI Assembly. The document must comply with the DOH Manual of Accounts, FReM and any other relevant guidance.

7.3 The PCC shall maintain and publish a Freedom of Information (FOI) Publication Scheme in a format approved by the Information Commissioner. A Publication Scheme is a complete guide to the information routinely published by a public authority. It describes the classes or types of information about the PCC that are made publicly available. This will include the annual report and accounts.

## **8. BANK ACCOUNTS**

### **General**

8.1 The Chief Executive Officer or Delegated Officer is responsible for managing the banking arrangements, including setting clarity for the interface with the Business Services Organisation where it provides banking services on behalf of the PCC. The Chief Executive Officer or Delegated Officer is also responsible for advising Council on the provision of banking services and operation of accounts. This advice shall take into account guidance and directions issued from time to time by the DOH. The Chief Executive Officer is responsible for ensuring that the PCC's banking arrangements are in accordance with the requirements outlined in Managing Public Money NI (MPMNI)

8.2 The Council shall approve the banking arrangements.

### **Bank Accounts**

8.3 The Chief Executive Officer or Delegated Officer is responsible for:

- (a) the operation of bank accounts;

- (b) establishing separate bank accounts for non-public funds administered by PCC (if required);
- (c) ensuring payments made from bank accounts do not exceed the amount credited to the account except where arrangements have been made;
- (d) reporting to Council all arrangements made with the PCC's bankers for accounts to be overdrawn;
- (e) monitoring compliance with DOH guidance on the level of cleared funds; and
- (f) setting the parameters for the BSO with the Service Level Agreement for any of the above as appropriate.

### **Bank Procedures**

8.4 The Chief Executive Officer or Delegated Officer will prepare detailed instructions on the operation of bank accounts, which must include:

- (a) the conditions under which each bank account is to be operated, including the use of electronic banking;
- (b) those authorised to sign cheques or other orders drawn on the accounts;
- (c) the limit to be applied to any overdraft;
- (d) when and how payment by cheque, credit card or direct debit is acceptable;
- (e) record keeping, including bank reconciliations; and
- (f) adequate records are maintained of payments and receipts and adequate facilities are available for the secure storage of cash.

8.5 The Chief Executive Officer or Delegated Officer must advise the PCC's bankers in writing of the conditions under which each account will be operated including the nominated officers who are authorised to release monies from the bank accounts.

### **Tendering and Review**

8.6 The Chief Executive Officer or Delegated Officer will review the commercial banking arrangements of the PCC at regular intervals to ensure they reflect best practice and represent best value for money by periodically seeking, in co-operation with other HSC organisations, competitive tenders for the PCC's commercial banking business. The PCC should avail of the regional HSC banking contract, save in exceptional circumstances.

8.7 Competitive tenders for HSC banking services should be sought at least every 5 years. The results of the tendering exercise should be reported to Council.

## **9. INCOME, FEES AND CHARGES AND SECURITY OF CASH, CHEQUES AND OTHER NEGOTIABLE INSTRUMENTS**

### **Income Systems**

9.1 The Head of Development and Corporate Services is responsible for ensuring, via the Service Level Agreement with the BSO, that there is compliance with agreed systems for the proper recording, invoicing, collection and coding of all monies due.

9.2 The Head of Development and Corporate Services is also responsible for ensuring that the BSO complies with the requirement for the prompt banking of all monies received.

9.3 The Head of Development and Corporate Services will seek annual assurance from the BSO on the reliability of the information processed by BSO for accounting purposes on behalf of the PCC.

9.4 The Head of Development and Corporate Services will ensure that the BSO systems, controls and processes are subject to audit on an annual basis and that the PCC formally advised of any assurance levels that are categorised as less than satisfactory.

### **Fees and Charges**

9.5 The Head of Development and Corporate Services is responsible for approving and regularly reviewing the level of all fees and charges other than those determined by the DOH or by Statute. Independent professional advice on matters of valuation shall be taken as necessary.

9.6 All employees must inform the Head of Development and Corporate Services and BSO promptly of money due to the PCC arising from transactions which they initiate/deal with, including all contracts, leases, rent, tenancy agreements, and other transactions.

9.7 Where sponsorship income (including items in kind such as subsidised goods or loans of equipment) is considered, the following guidance shall be followed:

- the DOH “Commercial Sponsorship – Ethical Standards in the HSC”; and
- the PCC’s policy on Standards of Business Conduct.

### **Debt Recovery**

9.8 The Head of Development and Corporate Services is responsible for ensuring that the BSO undertakes the appropriate recovery action on all outstanding debts. For those debts not managed by the BSO, the Head of Development and Corporate Services is responsible for ensuring appropriate procedures are in place for recovery action.

9.9 Income not received should be dealt with in accordance with the DOH guidance on losses and special payments.

9.10 Appropriate controls should be put in place to prevent overpayments and measures put in place to detect overpayments. Where overpayments are detected, recovery should be initiated in line with DOH guidance and PCC procedures.

9.11 The Head of Development and Corporate Services shall ensure that regular reports in the agreed format are provided to the PCC by the BSO in relation to those debts managed by the BSO on the PCC's behalf.

### **Security of Cash, Cheques and Other Negotiable Instruments**

9.12 The Head of Development and Corporate Services is responsible for:

- (a) approving the form of all receipt books, agreement forms, or other means of officially acknowledging or recording monies received or receivable;
- (b) ordering and securely controlling any such stationery;
- (c) 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;
- (d) prescribing systems and procedures for handling cash and negotiable securities on behalf of the PCC; and
- (e) obtaining assurance from BSO that suitable arrangements for the above exist where relevant with the Income Shared Services Centre.

9.13 Funds managed by the PCC shall not under any circumstances be used for the encashment of private cheques or IOUs.

9.14 All cheques, postal orders, cash etc, shall be banked intact. Disbursements shall not be made from cash received, except under arrangements approved by the Head of Development and Corporate Services.

9.15 All unused cheques and other orders will be subject to the same security precautions as are applied to cash.

9.16 The holders of safe keys shall not accept unofficial funds for depositing in their safes unless such deposits are in special sealed envelopes or locked containers. It shall be made clear to the depositors that the PCC is not to be held liable for any loss, and written indemnities must be obtained from the organisation or individuals absolving the PCC from responsibility for any loss.



9.17 Any shortfall in cash, cheques or other negotiable instruments, however occasioned, must be reported immediately to the Head of Development and Corporate Services or the PCC's Fraud Liaison Officer.

## **10. PROCUREMENT AND CONTRACTING PROCEDURE**

### **Duty to comply with Standing Orders and Standing Financial Instructions**

10.1 The procedure for making all contracts by or on behalf of the PCC shall comply with all relevant legislation, Northern Ireland Public Procurement Policy and the Standing Orders (SOs) and Standing Financial Instructions (SFIs).

### **Northern Ireland Public Procurement Policy, EU Directives Governing Public Procurement, DOH Mini-Code Guidance, DOH HSC(F) circulars and other professional Estates guidance**

10.2 Northern Ireland Public Procurement Policy 2002 (as amended), Directives by the Council of the European Union (as applicable), UK Public Contracts Regulations and Guidance on procurement matters promulgated by the DOH prescribing procedures for awarding all forms of contracts shall have effect as if incorporated in these SOs and SFIs.

10.3 When carrying out procurements within its delegated limits of authority, the PCC must comply with the requirements of public accountability, the law (i.e. key principles of the Treaty for the Functioning of the European Union (TFEU) (as applicable), current EU Public Procurement Directives (as applicable) and current UK Public Contracts Regulations) and best practice (as contained in Departmental Policies and Northern Ireland Public Procurement Policy).

### **Scope of Procurement**

10.4 As per the Northern Ireland Public Procurement Policy 2002 (as amended), Public Procurement is defined as "the process of acquisition, usually by means of a contractual arrangement after public competition, of goods, services, works and other supplies by the public service".

10.5 These SFIs encompass the procurement of any works, goods, services and personnel from any external supplier in the market place awarded through Direct Award Contract, Quotations, Tenders or Open Competition.

10.6 It does not cover:

- the supply of services provided internally within the HSC e.g. commissioning of care services from HSC bodies, supply of administration, finance, personnel, IT support and arrangements with Centres of Procurement Expertise (CoPE);
- expenditure, which is regulated by Departmental directive, such as personal and social services expenditure on boarded-out adults, patient

travelling expenses, or others, such as business rates and water and sewerage.

## **Procurement through a Centre of Procurement Expertise**

10.7 The PCC should endeavour to use the Centre of Procurement Expertise (CoPE) within the DOH, the Business Services Organisation's Procurement and Logistics Service (BSO PaLS) for the majority of its goods and services procurements. It provides strategic and operational procurement services covering both contracting for goods and services and where no contract exists, negotiating prices and placing orders on behalf of the PCC.

10.8 For construction related services under the PCC delegated limit, procurement must be in compliance with the Procurement Guidance Manual issued by Central Procurement Directorate (CPD) and this shall be subject to CPD scrutiny.

10.9 In circumstances where the capital value is projected to be above the PCC delegated limit, the PCC must seek on a case-by-case basis the direction of the Central Procurement Directorate. In some cases, CPD will permit the PCC to procure as per paragraph 10.7 above and in other cases procurement will be managed via CPD.

## **Procurement Arrangements**

10.10 The Head of Development and Corporate Services will ensure that the PCC has appropriate systems in place for controlling the risks associated with purchasing activities. These include:

- (a) establishing and documenting accountability, ensuring appropriate top-level commitment;
- (b) implementing a procurement strategy and work plan;
- (c) demonstrating legal compliance;
- (d) pursuing best practice and demonstrating best value for money;
- (e) managing effective relationships with key suppliers, customers and other stakeholders;
- (f) following an appropriate documented procurement process;
- (g) managing contracts and contractor performance;
- (h) professional competence;
- (i) monitoring and review of overall performance management; and

(j) audit.

10.11 The Head of Development and Corporate Services will compile and submit to Council, or its nominated Committee, a procurement strategy and annual procurement plan, which take into account key strategic procurement requirements to deliver efficient and effective procurement.

10.12 The annual procurement plan will:

- (a) be in accordance with the aims and objectives set out in the PCC Procurement Strategy;
- (b) be produced following discussion with appropriate CoPEs and other stakeholders;
- (c) identify potential risks; and
- (d) cover all areas of externally sourced expenditure on works, equipment, goods, supplies, services and personnel.

10.13 The Head of Development and Corporate Services shall monitor performance against the work plan with key stakeholders, review it on a quarterly basis and report to Council or its nominated Committee.

10.14 Employees from all key areas involved in procurement shall provide information as required by the Head of Development and Corporate Services to enable a plan to be compiled and progress monitored.

10.15 The Head of Development and Corporate Services has a responsibility to ensure that adequate training and documented procedures are available to PCC employees commensurate with their roles and responsibilities. These procedures will include appropriate guidance on procurement, the management of contracts and management of contractor performance.

10.16 The Chief Executive Officer shall nominate an officer who shall oversee and manage each contract on behalf of the PCC.

10.17 The Head of Development and Corporate Services will maintain, and submit to each meeting of Audit and Risk Assurance Committee, a register of any instances where contracts were awarded above £5,000 for which the appropriate competitive tendering or quotations process was not employed.

### **Duties of Managers and Officers**

10.18 Managers and Officers acting on behalf of the PCC must ensure that they comply fully with the PCC guidance on procurement (including Direct Award Contracts) and contract management.

10.19 Prior to participation in an evaluation process, those Officers participating in the evaluation will be required to complete a Declaration of Objectivity and Interests.

10.20 Officers participating in an evaluation shall accept tenders from suppliers who provide the lowest cost or the best value for money, being the optimum combination of whole life cost and quality (or fitness for purpose).

### **Use of Centres of Procurement Expertise**

10.21 The Head of Development and Corporate Services is responsible for managing the procurement and logistics service with the Business Services Organisation, including setting clarity for the BSO within the Service Level Agreement (SLA) and for advising Council on the provision of procurement and logistics services. This advice will take into account guidance and directions issued from time to time by the DOH.

10.22 The Head of Development and Corporate Services is responsible for managing the procurement of construction works and design services with the Central Procurement Directorate below the PCC delegated limit, adherence to the Estates Procedure Manual by the PCC and for advising Council on the provision of construction works and design services. This advice will take into account guidance and directions issued from time to time by the DOH.

10.23 The Head of Development and Corporate Services is responsible for ensuring the following are in place within the CoPEs:

- (a) clear and appropriately detailed specifications for all purchases;
- (b) the purchase of all works, goods and services conform to an appropriate method of procurement;
- (c) all potential suppliers are identified through the use of pre-determined criteria that ensure regularity and propriety;
- (d) tenders and contract awards are evaluated through the use of pre-determined criteria that ensure the delivery of best value, where best value is defined as “the most advantageous combinations of cost, quality and sustainability to meet customer requirements”;
- (e) all contracts for goods, works and services are managed and regularly monitored and reviewed;
- (f) up-to-date legislation and guidance relevant to the management of purchasing is used;
- (g) performance indicators are in place and regularly reviewed; and

- (h) the service is subject to audit to ensure that an appropriate and effective system of managing purchasing is in place and the necessary levels of controls and monitoring are implemented.

### **Contracting / Tendering Procedure**

10.24 The PCC shall obtain and follow the advice of the relevant CoPE(s) in relation to the following processes:

- (a) invitation to tender;
- (b) receipt and safe custody of tenders;
- (c) opening tenders and registrations of tenders;
- (d) admissibility of tenders;
- (e) late tenders;
- (f) evaluation of tenders;
- (g) assessment of financial standing and technical competence of contractors;
- (h) exceptions to using approved contractors; and
- (i) competitive and non-competitive quotations.

10.25 Providing all the conditions and circumstances set out in these SFIs have been fully complied with, formal authorisation and awarding of a contract may be decided in accordance with delegated limits set out in the PCC's Scheme of Delegation and Schedule of Delegated Authority documents.

10.26 Formal authorisation must be put in writing. In the case of authorisation by Council, this shall be recorded in the minutes of the relevant meeting.

10.27 Where the contract to be awarded is a multi-agency or regional contract then the Chief Executive Officer shall nominate in advance a PCC employee(s) to participate in the tender evaluation and adjudicate the contract on behalf of the PCC. In doing so the Chief Executive Officer shall delegate authority to that officer(s) to award the contract on behalf of the PCC.

10.28 Items estimated to be below the limits set in this SFI for which formal tendering procedures are used which subsequently prove to have a value above such limits shall be reported to the Chief Executive Officer or Delegated Officer, and be recorded in an appropriate PCC record.

10.29 No quotation shall be accepted which will commit expenditure in excess of that which has been allocated by the PCC and which is not in accordance with SFIs

except with the authorisation of either the Chief Executive Officer or Delegated Officer.

10.30 Any proposal to utilize private sector finance must be specifically agreed by Council and the decision recorded in the minutes of the relevant meeting.

## **11. TERMS OF SERVICE, ALLOWANCES AND PAYMENT OF MEMBERS OF COUNCIL, SENIOR EXECUTIVES AND EMPLOYEES**

### **Remuneration and Terms of Service**

11.1 In accordance with the Standing Orders, the Council shall establish an Appointments and Remuneration Committee, with clearly defined terms of reference, specifying which posts fall within its area of responsibility, its composition and the arrangements for reporting.

11.2 The Committee will:

- (a) make recommendations to Council about appropriate remuneration and terms of service for the Chief Executive Officer including:
  - (i) all aspects of salary (including any performance related elements/bonuses);
  - (ii) provisions for other benefits, including pensions and cars; and
  - (iii) arrangements for termination of employment and other contractual terms.
- (b) make such recommendations to Council on the remuneration, allowances and terms of service of the Chief Executive Officer to ensure he/she are fairly rewarded for their individual contribution to the PCC – having proper regard to the PCC's circumstances and performance and to the provisions of any local or national arrangements;
- (c) monitor and evaluate the performance, and where appropriate, the development of the Chief Executive Officer who is remunerated on a senior executive pay-scale; and
- (d) advise on and oversee appropriate contractual arrangements for the Chief Executive Officer including the proper calculation and scrutiny of termination payments taking account of such national guidance as is appropriate.

11.3 The Committee shall report in writing to Council the basis for its recommendations. The Council members shall use the report as the basis for their decisions, but remain accountable for taking decisions on the remuneration and terms of service of the Chief Executive Officer in matters not already directed by the DOH. Minutes of the Council's meetings shall record such decisions.

11.4 The PCC will pay allowances to the Chair and members of the Council in accordance with the instructions issued by the Minister for Health in line with DOH guidance.

### **Funded Establishment**

11.5 The workforce plans incorporated within the annual budget will form the funded establishment.

11.6 The funded establishment of any department may not be varied without the approval of the Chief Executive Officer.

11.7 The Chief Executive Officer shall put appropriate controls in place to ensure that the funded establishment is not exceeding without prior authority.

### **Staff Appointments**

11.8 No officer or member of the Council or employee may engage, re-engage, or regrade employees, either on a permanent or temporary basis, or hire agency staff, or agree to changes in any aspect of remuneration:

(a) unless authorised to do so by the Chief Executive Officer or Delegated Officer; and

(b) within the limit of their approved budget and funded establishment as confirmed by the Head of Development and Corporate Services.

11.9 The Council will approve procedures presented by the Chief Executive Officer for the determination of commencing pay rates, condition of service etc for employees.

### **Payroll Processing**

11.10 The processing of PCC payroll is outsourced to the Business Services Organisation. The Head of Development and Corporate Services will ensure that there is an appropriate Service Level Agreement and monitoring arrangements in place with the BSO to ensure that the PCC's responsibilities in regard to payroll processing are addressed, that proper controls are in place and are operating effectively.

11.11 The Head of Development and Corporate Services will seek an annual assurance from the BSO on the reliability of the information processed by BSO for accounting purposes on behalf of the PCC.

11.12 The Head of Development and Corporate Services will ensure that the BSO systems, controls and processes are subject to audit on annual basis and that the PCC is made aware of any assurance levels that are categorised as less than satisfactory.

11.13 The Head of Development and Corporate Services is responsible for:

- (a) specifying timetables for submission of properly authorised time records and other notifications;
- (b) the final determination of pay and allowances including travel and subsistence;
- (c) making arrangements for ensuring payment on agreed dates; and
- (d) agreeing method of payment.

11.14 The Head of Development and Corporate Services will agree and ensure the issue of instructions, including by the BSO where appropriate, regarding:

- (a) verification and documentation of data;
- (b) the timetable for receipt and preparation of payroll data and the payment of pay and allowances, including travel and subsistence to employees and Council members;
- (c) maintenance of subsidiary records for superannuation, income tax, social security and other authorised deductions from pay;
- (d) security and confidentiality of payroll information;
- (e) checks to be applied to completed payroll before and after payment;
- (f) authority to release payroll data under the provisions of the Data Protection Act;
- (g) methods of payment available to various categories of employees;
- (h) procedures for payment by cheque, bank credit, or cash to employees;
- (i) procedures for the recall of cheques and bank credits;
- (j) pay advances and their recovery;
- (k) maintenance of regular and independent reconciliation of pay control accounts;
- (l) separation of duties of preparing records and handling cash; and
- (m) a system to ensure the recovery from those in and leaving the employment of the PCC of sums of money and property due by them to the PCC.

11.15 Appropriately nominated managers have delegated responsibility for:



- (a) submitting manual or electronic time records, and other notifications in accordance with agreed timetables and in a format prescribed by the Head of Development and Corporate Services; and
- (b) submitting manual or electronic termination/contract amendments forms in the prescribed form immediately upon knowing the effective date of an employee's resignation, termination, retirement or other contractual change. Where an employee fails to report for duty or to fulfil obligations in circumstances that suggest they have left without notice, the Head of Development and Corporate Services must be informed immediately.

11.16 Regardless of the arrangements for providing the payroll service, the Head of Development and Corporate Services shall ensure that the chosen method is 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.

### **Contracts of Employment**

11.17 The Chief Executive Officer or Delegated Officer shall:

- (a) ensure that all employees are issued with a Contract of Employment in a form approved by Council and which complies with employment legislation;
- (b) detail variations to, or termination of, contracts of employment; and
- (c) ensure compliance with the EU Directive on contract workers (as applicable).

## **12. NON-PAY EXPENDITURE**

### **Delegation of Authority**

12.1 The Council will approve the level of non-pay expenditure on an annual basis and the Chief Executive Officer will determine the level of delegation to budget managers.

12.2 The Chief Executive Officer shall set out:

- (a) the list of managers who are authorised to place requisitions for the supply of goods and services and minor works; and
- (b) the maximum level of each requisition and the system for authorisation above that level.

12.3 The Head of Development and Corporate Services shall set out procedures on the seeking of professional advice regarding the supply of goods and services.

12.4 Non-pay expenditure should be committed in accordance with the NI Public Procurement Policy, Procurement Guidance Notes, DOH circulars and other relevant guidance.

12.5 The processing of PCC payments is outsourced to the Business Services Organisation. The Head of Development and Corporate Services will ensure that there is an appropriate Service Level Agreement and monitoring arrangements in place with the BSO to ensure the PCC's responsibilities with regard to the processing of payments (non payroll) are addressed and that proper controls are in place and operating effectively.

12.6 The Head of Development and Corporate Services will seek an annual assurance from the BSO on the reliability of the information processed by BSO for accounting purposes on behalf of the PCC.

12.7 The Head of Development and Corporate Services will ensure that the BSO systems, controls and processes are subject to audit on an annual basis and that the PCC is made aware of any assurance levels that are categorised as less than satisfactory.

12.8 The Head of Development and Corporate Services shall:

- (a) prepare procedural instructions or guidance that reflect the Scheme of Delegation on the obtaining of goods, works and services incorporating the thresholds;
- (b) be responsible for the prompt payment of all properly authorised accounts and claims;
- (c) be responsible for designing and maintaining a system of verification, recording and payment of all amounts payable. The system shall provide for:
  - (i) a list of those senior employees who are authorised to certify invoices (including specimens of their signatures) and to authorise expenditure;
  - (ii) certification, either manually or electronically that:
    - goods have been duly received, examined and are in accordance with specification and the prices are correct;
    - work done or services rendered have been satisfactorily carried out in accordance with the order, and, where applicable, the materials used are of the requisite standard and 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, the rates of labour are in accordance with the appropriate rates, the materials have been checked as regards quantity, quality, and price and the charges for the use of vehicles, plant and machinery have been examined;
- where appropriate, the expenditure is in accordance with regulations including taxation and all necessary authorisations have been obtained;
- the account is arithmetically correct and in order for payment.

(iii) a timetable and process for submission of accounts to the BSO for payment; provision shall be made for the early submission of accounts subject to cash discounts or otherwise requiring early payment;

(iv) instructions to employees regarding the processes for requesting payments of invoices/accounts by the Accounts Payable Shared Service Centre.

(d) be responsible for ensuring that payment for goods and services is only made by BSO once the goods and services are received.

### **Choice, Requisitioning, Ordering, Receipt and Payment for Goods and Services**

12.9 The requisitioner, in choosing the item to be supplied (or the service to be performed) shall always obtain the best value for money for the PCC; namely the optimum combinations of whole life cost and quality (or fitness for purpose). In so doing, the advice of the Centre of Procurement Expertise (CoPE) on supply shall be sought. Where this advice is not acceptable to the requisitioner, the Chief Executive Officer or Delegated Officer shall be consulted. Requisitions should be placed using the FPL E-Procurement system for goods and services.

### **Official Orders**

12.10 Official orders, either manual or electronic must:

- (a) be consecutively numbered;
- (b) be in a form approved by the Chief Executive Officer;
- (c) state the PCC's terms and conditions of trade; and
- (d) only be issued to, and used by, those duly authorised by the Chief Executive Officer.

## **System of Payment and Payment Verification**

12.11 The Head of Development and Corporate Services shall be responsible for the prompt payment of accounts and claims. Payment of contract invoices shall be in accordance with contract terms, or otherwise, in accordance with the Public Sector Prompt Payment Policy.

12.12 The Head of Development and Corporate Services will ensure that the BSO outsourced accounts payable service is subject to annual audit.

## **Timeliness in Payment of Bills**

12.13 The PCC or nominated service provider, will pay all matured and properly authorised invoices.

12.14 All public authorities are required to pay suppliers within 30 calendar days of receipt on an undisputed invoice.

12.15 The PCC shall comply with the requirements of the Late Payment of Commercial Debts and Interest Act in relation to the payment of compensation and costs associated with late payment of suppliers.

12.16 Responsibility for approving such payments shall be delegated to an appropriate officer(s) by the Chief Executive Officer and this shall be recorded in the PCC's Schedule of Delegated Authority. No other officer is permitted to approve these payments.

12.17 The PCC should pay suppliers, whenever possible, within 10 working days. The Head of Development and Corporate Services shall ensure that all appropriate steps are taken to approve and release invoices for payment without unnecessary delay.

## **Prepayments**

12.18 Prepayments are only permitted where exceptional circumstances apply. This excludes normal regular expenditure such as rates, telephone rentals, insurance or other rental agreements. In such instances:

- (a) prepayments are only permitted where the financial advantages outweigh the disadvantages;
- (b) the appropriate officer must provide, in the form of a written report, a case setting out all relevant circumstances of the purchase. The report must set out the effects on the PCC if the supplier is at some time during the course of the prepayment agreement unable to meet his commitments;
- (c) the Head of Development and Corporate Services will need to be satisfied

with the proposed arrangements before contractual arrangements proceed (taking into account the public procurement rules where the contract is above a stipulated financial threshold); and

- (d) the budget holder is responsible for ensuring that all items due under a prepayment contract are received and they must immediately inform the Head of Development and Corporate Services if problems are encountered.

### **Duties of Managers and Officers**

12.19 Managers and officers must ensure that they comply fully with the guidance and limits specified by the Head of Development and Corporate Services and:

- (a) they must apply the principles of economic appraisal, with appropriate and proportionate effort, to all decisions and proposals concerning spending;
- (b) all contracts (except as otherwise provided for in the Schedule of Delegated Authority), leases, tenancy agreements and other commitments which may result in a liability are notified to the Head of Development and Corporate Services in advance of any commitment being made;
- (c) contracts above specified thresholds are advertised and awarded in accordance with rules on public procurement;
- (d) where consultancy advice is being obtained, the procurement of such advice must be in accordance with guidance issued by the DOH;
- (e) contracts awarded without competition must be supported by a Direct Award Contract approved by the Chief Executive Officer in line with DOH guidance;
- (f) no order shall be issued for any item or items to any firm which has made an offer of gifts, reward or benefit to members of Council or employees, other than:
  - (i) isolated gifts of a trivial character or inexpensive seasonal gifts, such as calendars;
  - (ii) conventional hospitality, such as lunches in the course of working visits.

(This provision needs to be read in conjunction with the Standing Orders and the principles outlined in the PCC's policy on "Standards of

## Business Conduct for Staff")

- (g) no requisition/order is placed for any item or items for which there is no budget provision unless authorised by Chief Executive Officer or Delegated Officer;
- (h) all goods, services, or works are ordered on an official order except works and services executed in accordance with a contract and purchases from petty cash or low value purchase card;
- (i) verbal orders must only be issued very exceptionally - by an employee designated by the Chief Executive Officer and only in cases of emergency or urgent necessity. These must be confirmed the next working day by an official order and clearly marked "Confirmation Order";
- (j) orders must not be split or otherwise placed in a manner devised so as to avoid the financial thresholds;
- (k) goods must not be taken on trial or loan in circumstances that could commit the PCC to a future uncompetitive purchase;
- (l) changes to the list of employees authorised to certify invoices shall be notified to the Head of Development and Corporate Services;
- (m) purchases from petty cash are restricted in value and by type of purchase in accordance with instructions issued by the Head of Development and Corporate Services; and
- (n) petty cash records shall be maintained in a form prescribed by the Head of Development and Corporate Services.

12.20 The Chief Executive Officer or Delegated Officer shall ensure that the arrangements for financial control and financial audit of building and engineering contracts and property transactions comply with the guidance contained within the Estates Procurement Manual and the Land Transactions Handbook.

## **13. CASH MANAGEMENT**

13.1 Grant-in-aid will be paid to the PCC in instalments on the basis of need.

13.2 The Head of Development and Corporate Services is responsible for submitting a written application to the DOH forecasting cash requirements and for drawing down grant-in-aid according to need.

13.3 The Head of Development and Corporate Services is responsible for ensuring that cash balances are kept at a minimum level consistent with the efficient operation of the PCC. Any interest earned on overnight deposits may have to be returned to DOH.

13.4 Temporary cash surpluses must be held only in such public or private sector investments as authorised by Council.

13.5 The Head of Development and Corporate Services is responsible for advising Council on investments and shall report periodically to Council, or the delegated sub-committee, concerning the performance of investments held.

13.6 The Head of Development and Corporate Services will prepare detailed procedural instructions on the operation of investment accounts and on the records to be maintained.

13.7 Where the PCC proposes to borrow funds, the Chief Executive Officer shall seek the approval of the DOH and where appropriate the Department of Finance to ensure that it has the necessary authority and budgetary cover for any borrowing or the expenditure to be financed by such borrowing. Any expenditure by the PCC that is financed by borrowing shall count towards the DEL.

## **14. CAPITAL INVESTMENT, PRIVATE FINANCING, FIXED ASSET REGISTERS AND SECURITY OF ASSETS**

### **Capital Investment**

14.1 The Head of Development and Corporate Services:

- (a) shall ensure that there is an adequate economic appraisal of capital expenditure proposals in line with the NI Guide to Expenditure Appraisal and Evaluation (NIGEAE), HM Treasury guidance and the NHS Capital Investment Manual;
- (b) shall ensure that there is an approval process in place for determining capital expenditure priorities and the effect of each upon business plans;
- (c) is responsible for the management of all stages of capital schemes and for ensuring that schemes are delivered on time and to cost; and
- (d) shall ensure that the capital investment is not undertaken without confirmation of purchaser(s) and the availability of resources to finance all revenue consequences.

14.2 For every capital expenditure proposal the Chief Executive Officer shall ensure:

- (a) that a business case (in line with the guidance contained within the Capital Investment Manual and other relevant DOH guidance) is produced setting out:

- a. an option appraisal of potential benefits compared with known costs to determine the option with the highest ratio of benefits to costs;
  - b. the involvement of appropriate PCC personnel and external agencies; and
  - c. appropriate project management and control arrangements including post project evaluation.
- (b) that the Head of Development and Corporate Services is satisfied with the reliability of the estimated costs and resource consequences detailed in the business case; and
- (c) that DOH approval is obtained for projects costing more than the PCC's delegated limit for capital schemes.

14.3 For capital schemes where the contracts stipulate stage payments, the Chief Executive Officer or Delegated Officer will issue procedures for their management, incorporating the recommendations of the Land Transactions Handbook.

14.4 The Head of Development and Corporate Services shall put procedures in place for the operation of the construction industry tax deduction scheme in accordance with HM Revenue and Customs guidance.

14.5 The Head of Development and Corporate Services shall issue procedures for the regular reporting of expenditure and commitment against authorised capital expenditure.

14.6 The approval of a capital programme shall not constitute approval for expenditure on any scheme.

14.7 The Chief Executive Officer or Delegated Officer shall issue to the manager responsible for any scheme:

- (a) specific authority to commit expenditure;
- (b) authority to proceed to procurement; and
- (c) approval to accept a successful tender.

14.8 The Chief Executive Officer will issue a Scheme of Delegation for capital investment management in accordance with the Land Transactions Handbook guidance and the PCC's Standing Orders.

14.9 The Head of Development and Corporate Services 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 delegation limits for capital schemes as issued by DOH.



## **Private Finance**

14.10 The PCC should follow DOH guidance with regard to testing for PFI when considering procurement of major capital schemes. When the PCC proposes to use finance, which is to be provided other than through its allocations, the following procedures shall apply:

- (a) the Chief Executive Officer or Delegated Officer shall demonstrate that the use of private finance represents value for money and genuinely transfers appropriate risk to the private sector;
- (b) where the sum involved exceeds delegated limits, the business case must be referred to the DOH or in line with any current guidelines; and
- (c) the proposal must be specifically agreed by Council.

## **Leasing**

14.11 The Chief Executive Officer must obtain DOH approval for all property and finance leases.

14.12 Before entering into a lease, the Chief Executive Officer or Delegated Officer shall demonstrate that the lease offers better value for money than an outright purchase.

## **Asset Registers**

14.13 The Head of Development and Corporate Services is responsible for the maintenance of registers of assets, 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 on a rotational basis.

14.14 The PCC shall maintain an asset register recording non-current assets. The minimum data set to be held within this register shall be as specified in the Capital Accounting Manual as issued by the DOH.

14.15 Additions to the fixed asset register must be clearly identified to an appropriate budget holder and be validated by reference to:

- (a) properly authorised and approved agreements, architect's certificates, supplier's invoices and other documentary evidence in respect of purchases from third parties;
- (b) stores, requisitions and wages records for own materials and labour including appropriate overheads; and
- (c) lease agreements in respect of asset held on the PCC's Statement of Financial Position and capitalised.

14.16 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). Attention is drawn to the guidance on limiting the holdings of land and buildings to a minimum required for the performance of present and clearly foreseen responsibilities as per DOH guidance.

14.17 The Chief Executive Officer or Delegated Officer shall approve procedures for reconciling balances on fixed assets accounts in ledgers against balances on asset registers.

14.18 The value of each asset shall be indexed to current values in accordance with methods specified in the Capital Accounting Manual issued by the DOH.

14.19 The value of each asset, where appropriate, shall be depreciated using methods and rates as specified in the Capital Accounting Manual issued by the DOH.

### **Security of Assets**

14.20 The overall control of fixed assets is the responsibility of the Chief Executive Officer.

14.21 The Chief Executive Officer or Delegated Officer must approve asset control procedures (including fixed assets, cash, cheques and negotiable instruments, and also including donated assets). This procedure shall make provision for:

- (a) recording managerial responsibility for each asset;
- (b) identification of additions and disposals;
- (c) identification of all repairs and maintenance expenses;
- (d) physical security of assets;
- (e) periodic verification of the existence of, condition of, and title to, assets recorded;
- (f) identification and reporting of all costs associated with the retention of an asset; and
- (g) reporting, recording and safekeeping of cash, cheques, and negotiable instruments.

14.22 All discrepancies revealed by verification of physical assets to asset register shall be notified to the Chief Executive Officer or Delegated Officer.

14.23 Whilst each employee and member of Council has responsibility for the security of property of the PCC, it is the responsibility of the Council members and

senior employees in all disciplines to apply such appropriate routine security practices in relation to PCC property as may be determined by Council. Any breach of agreed security practices must be reported in accordance with agreed procedures.

14.24 Any damage to the PCC's premises, vehicles and equipment, or any loss of equipment, stores or supplies must be reported by Council members and employees in accordance with the procedure for reporting losses.

14.25 Where practical, assets shall be marked as PCC property.

## **15. STORES AND RECEIPT OF GOODS**

15.1 Stores, defined in terms of controlled stores and departmental stores (for immediate use) should be:

- (a) kept to a minimum;
- (b) subjected to annual stocktake; and
- (c) valued at the lower of cost and net realisable value.

### **Control of Stores, Stocktaking, Condemnations and Disposal**

15.2 Subject to the responsibility of the Head of Development and Corporate Services for the systems of control, overall responsibility for the control of stores shall be delegated to an employee by the Chief Executive Officer. The day-to-day responsibility may be delegated by him/her to departmental employees and stores managers/keepers, subject to such delegation being entered in a record available to the Head of Development and Corporate Services. The control of fuel oil shall be the responsibility of an appropriate employee.

15.3 The responsibility for security arrangements and the custody of keys for all stores and locations shall be clearly defined in writing by the Head of Development and Corporate Services. Wherever practicable, stocks should be marked as PCC property.

15.4 The Head of Development and Corporate Services shall set out procedures and systems to regulate the stores including records for receipts of goods, issues, and returns to stores, and losses.

15.5 Stocktaking arrangements shall be agreed with the Head of Development and Corporate Services and there shall be a physical check covering all items in store at least once a year.

15.6 Where a complete system of stores control is not justified, alternative arrangements shall require the approval of the Head of Development and Corporate Services.

15.7 The nominated officer shall be responsible for a system approved by the Head of Development and Corporate Services for a review of slow moving and obsolete

items and for condemnation, disposal, and replacement of all unserviceable articles. The nominated officer shall report to the Head of Development and Corporate Services any evidence of significant overstocking and of any negligence or malpractice. Procedures for the disposal of obsolete stock shall follow the procedures set out for disposal of all surplus and obsolete goods.

### **Goods Supplied by Centres of Procurement Expertise**

15.8 For goods supplied via central warehouses, the Chief Executive Officer shall identify those authorised to requisition and accept goods from the store. The authorised person shall check receipt against the delivery note and notify the Centre of Procurement Expertise of any shortages or discrepancies using established PCC procedures.

15.9 For goods supplied directly from suppliers, the Chief Executive Officer shall identify those authorised to requisition and accept goods. The authorised person shall check receipt against the delivery note and notify of any shortages or discrepancies using established PCC procedures.

## **16. DISPOSALS AND CONDEMNATIONS, LOSSES AND SPECIAL PAYMENTS**

### **Disposals and Condemnations**

16.1 The Head of Development and Corporate Services must prepare detailed procedures for the disposal of assets including condemnations, and ensure that these are notified to managers.

16.2 When it is decided to dispose of a PCC asset, the relevant employee shall determine and advise the Head of Development and Corporate Services of the estimated market value of the item, taking account of professional advice where appropriate. Assets shall be sold for best price, taking into account any costs of sale. Generally, assets shall be sold by auction or competitive tender. All receipts derived from the sale of assets must be declared to the DOH by the Head of Development and Corporate Services. Competitive tendering or quotation procedures shall not apply to the disposal of:

- (a) 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 Officer or Delegated Officer;
- (b) obsolete or condemned articles and stores, which may be disposed of in accordance with the supplies policy of the PCC;
- (c) items to be disposed of with an estimated sale value of less than £20,000 (this figure to be reviewed on a periodic basis);
- (d) items arising from works of construction, demolition or site clearance, which should be dealt with in accordance with the relevant contract; and

- (e) land and buildings concerning which DOH guidance has been issued but subject to compliance with such guidance.

16.3 All unserviceable articles shall be:

- (a) condemned or otherwise disposed of by an employee authorised for that purpose by the Head of Development and Corporate Services; and
- (b) recorded by the Condemning Officer in a form approved by the Head of Development and Corporate Services which will indicate whether the articles are to be converted, destroyed or otherwise disposed of. All entries shall be confirmed by the countersignature of a second employee authorised for the purpose by the Head of Development and Corporate Services.

16.4 The Condemning Officer shall satisfy himself as to whether or not there is evidence of negligence in use and shall report any such evidence to the Head of Development and Corporate Services who will take the appropriate action.

16.5 Managers will be responsible for ensuring that all data held on assets for disposal are dealt with appropriately and securely.

### **Losses and Special Payments**

16.6 The Head of Development and Corporate Services must prepare procedural instructions on the recording of and accounting for condemnations, losses, and special payments, in line with DOH guidance.

16.7 Any employee discovering or suspecting a loss of any kind must immediately inform their head of department, who must immediately inform the Head of Development and Corporate Services. Where a criminal offence is suspected, the Chief Executive Officer or Delegated Officer must immediately inform the police if theft or arson is involved. In cases of fraud or corruption, the Chief Executive Officer or Delegated Officer will determine when to inform the PSNI in accordance with the PCC Fraud Response Plan.

16.8 The Chief Executive Officer or Delegated Officer must notify the BSO Counter Fraud and Probity Services Team on discovery of a loss or suspected loss to public funds or property as a result of fraud, misappropriation or malicious damage.

16.9 Within limits delegated to it by the DOH, Council or the Chief Executive Officer shall approve the writing off of losses. These delegated limits are noted in the PCC's Scheme of Delegation document.

16.10 The Chief Executive Officer or Delegated Officer shall be authorised to take any necessary steps to safeguard the PCC's interests in bankruptcies and company liquidations.

16.11 For any loss, the Chief Executive Officer or Delegated Officer should consider whether any insurance claim can be made. Losses shall not be written off until all reasonable attempts to make a recovery have been made and proved unsuccessful.

16.12 The Head of Development and Corporate Services shall maintain a Losses and Special Payments Register in which write-off action is recorded.

16.13 No special payments exceeding delegated limits shall be made without the prior approval of the DOH.

16.14 All losses and special payments must be reported to the Audit and Risk Assurance Committee at least once a year.

## **17. INFORMATION TECHNOLOGY**

17.1 The Head of Development and Corporate Services, who is responsible for the accuracy and security of the computerised financial data of the PCC, shall:

- (a) devise and implement any necessary procedures to ensure adequate (reasonable) protection of the PCC's data, programs and computer hardware for which he/she is responsible from accidental or intentional disclosure to unauthorised persons, deletion or modification, theft or damage, having due regard to the Data Protection Act 1998;
- (b) ensure that adequate (reasonable) controls exist over 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;
- (c) ensure that adequate controls exist such that the computer operation is separated from development, maintenance and amendment; and
- (d) ensure that an adequate management (audit) trail exists through the computerised system and that such computer audit reviews as he/she may consider necessary are being carried out.

17.2 The Head of Development and Corporate Services will need to 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.

17.3 In the case of computer systems which are proposed general applications (i.e. normally those applications which HSC organisations wish to sponsor jointly) all responsible directors and employees shall send to the Head of Development and Corporate Services:

- (a) details of the outline design of the system; and

- (b) in the case of packages acquired either from a commercial organisation, from the HSC or from another public sector organisation, the operational requirement.

17.4 The Head of Development and Corporate Services shall ensure that contracts for computer services for financial applications with another health organisation or any other agency shall clearly define the responsibility of all parties for the security, privacy, accuracy, completeness, and timeliness of data during processing, transmission and storage. The contract shall also ensure rights of access for audit purposes

17.5 Where another health organisation or any other agency provides a computer service for financial applications, the Head of Development and Corporate Services shall periodically seek assurances that adequate controls are in operation.

17.6 The Head of Development and Corporate Services shall ensure that risks to the PCC arising from the use of ICT are effectively identified and considered and appropriate action taken to mitigate or control risk. This shall include the preparation and testing of appropriate disaster recovery plans.

17.7 Where computer systems have an impact on corporate financial systems the Head of Development and Corporate Services shall need to be satisfied that:

- (a) systems acquisition, development and maintenance are in line with corporate policies such as an Information Communications and Technology Strategy;
- (b) data produced for use with financial systems is adequate, accurate, complete and timely, and that a management (audit) trail exists;
- (c) Finance staff have access to such data; and
- (d) such computer audit reviews as are considered necessary are being carried out.

## **18. RETENTION OF RECORDS**

18.1 The Chief Executive Officer shall be responsible for maintaining archives for all records required to be retained in accordance with DOH guidelines as set out in Good Management Good Records.

18.2 The records held in archives shall be capable of retrieval by authorised persons.

18.3 Records held in accordance with latest DOH guidance shall only be destroyed at the express instigation of the Chief Executive Officer. Detail shall be maintained of records so destroyed.

## **19. RISK MANAGEMENT AND INSURANCE**

## **Risk Management**

19.1 The Chief Executive Officer shall ensure that the PCC has a programme of risk management, in accordance with current DOH assurance framework requirements, which must be approved and monitored by the Audit and Risk Assurance Committee on behalf of Council. The Chief Executive Officer shall ensure that the risks the PCC faces are dealt in an appropriate manner, in accordance with the relevant aspects of best practice in corporate governance and shall develop a risk management strategy in accordance with DOH guidance.

19.2 The programme of risk management shall include:

- (a) a process for identifying and quantifying risks and potential liabilities;
- (b) engendering among all levels of staff a positive attitude towards the control of risk;
- (c) management processes to ensure 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;
- (d) contingency plans to mitigate the impact of adverse events;
- (e) audit arrangements including Internal Audit and health and safety reviews; and
- (f) arrangements to review the risk management programme.

19.3 The existence, integration and evaluation of the above elements will assist in providing a basis to make a statement on the effectiveness of internal control within the Governance Statement in the Annual Report and Accounts as required by current DOH guidance.

## **Insurance Arrangements with Commercial Insurers**

19.4 There is a general prohibition on entering into insurance arrangements with commercial insurers. There are, however, three exceptions when PCC may enter into insurance arrangements with commercial insurers. The exceptions are:

1. PCC may enter commercial arrangements for insuring motor vehicles owned by the PCC including insuring third party liability arising from their use;
2. Where the PCC is involved with a consortium in a Private Finance Initiative contract / Public Private Partnership and the other consortium members require that commercial insurance arrangements are entered into;
3. Where income generation activities take place. Income generation



activities should normally be insured against all risks using commercial insurance. If the income generation activity is also an activity normally carried out by the PCC for an HSC purpose the activity may be covered in the risk pool. In any case of doubt concerning a PCC's powers to enter into commercial insurance arrangements the Chief Executive Officer should consult the DOH.

## **20. ACCEPTANCE OF GIFTS BY STAFF AND LINK TO STANDARDS OF BUSINESS CONDUCT**

20.1 The Head of Development and Corporate Services shall ensure that all staff are made aware of the PCC policy on acceptance of gifts and other benefits in kind. This policy follows the guidance contained in the DOH Circular HSS(PDD) 8/94 "Codes of Conduct and Accountability" and is also deemed to be an integral part of the Standing Orders and these Standing Financial Instructions.

20.2 The Head of Development and Corporate Services shall ensure a written record is maintained of any such gifts, bequests or donations and their estimated value and whether they are disposed of or retained.

20.3 Token gifts (generally at Christmas) of very low intrinsic value such as diaries or calendars may be accepted from persons outside the PCC with whom staff have regular contact. Any other gifts to members of staff or their families shall be politely refused. If in doubt, staff shall decline the gift or consult their Line Manager / Head of department before accepting it.

20.4 A limit of £50 is used as a guide to identifying gifts of low intrinsic value but the nature or number of gifts may mean that items whose value is less than this may be considered inappropriate. More expensive or substantial items, valued at £50 or more and gifts of lottery tickets, cash, gift vouchers or gift cheques cannot on any account be accepted.

20.5 Apart from trivial/inexpensive seasonal gifts, such as diaries, no gift or hospitality of any kind from any source should be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier and that the principles of the Bribery Act are complied with.

20.6 Sponsorship is not generally acceptable, as acceptance may be perceived as compromising the organisation's integrity. Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses might be acceptable providing the employee seeks permission in advance and the PCC can be absolutely satisfied that its decision-making processes are not compromised.

20.7 PCC Council Members must be satisfied that their acceptance of any commercial sponsorship could not compromise or be perceived to compromise future decisions.

20.8 Acceptance of commercial sponsorship of conferences, courses or other events run by the PCC may only be accepted if it can be demonstrated that:

- promotional material of the sponsor does not unduly dominate the event;
- no particular product is being promoted or receiving an implicit endorsement by association with the PCC;
- other commercial bodies have been given an equal opportunity to sponsor and be associated with a particular event or other such events over a period of time.

20.9 Any decisions regarding sponsorship are to be referred to the PCC's Chief Executive Officer and Chair in the case of PCC organized events. Decisions, together with all relevant information, shall be recorded in the minutes for future scrutiny. A suitable contract shall be drawn up with the prospective sponsor, which sets out the PCC's requirements.

20.10 The PCC discourages any form of substance abuse by members of staff. Under the terms of individual contracts of employment, disciplinary action may be instituted if an employee is unable to perform the duties of his/her post as a result of any form of substance abuse or if the actions of an employee bring the PCC into disrepute. The PCC has specific policies regarding the abuse by staff of alcohol, drugs and tobacco. Any other substance abuse shall also be covered by this policy.

### **Alcohol policy**

20.11 The PCC permits alcohol to be provided and paid for out of public funds on rare occasions:

- moderate quantities of alcohol with meals provided as part of approved hospitality for visitors or guests;
- similarly for approved special functions in PCC premises.

20.12 Otherwise, alcohol may not be consumed in PCC premises or any other location or venue attributed to the PCC except when specific permission has been given by a Head of Department or senior officer with appropriate authority, for staff to bring their own refreshments for a function (for example, at Christmas and other times of celebration).

20.13 Staff are expected to ensure that, if they consume alcohol, it shall not affect the performance of their duties.

### **Drugs Policy**

20.14 The PCC expects staff to observe the law both during and outside working hours.

20.15 If medical opinion advises that the taking of prescription drugs may affect an individual's performance of their duties, they shall inform their line manager or the personnel department in order that an acceptable management of the situation can be agreed.

20.16 Any use of recreational drugs, which affects the performance of an employee's duty or brings the PCC into disrepute, shall be considered unacceptable behaviour.

### **Smoking Policy**

20.17 In meeting with the requirements of The Smoking (Northern Ireland) Order 2006, the PCC discourages smoking and it is not permitted within PCC accommodation, offices or buildings.

### **Misuse of Internet Facilities**

20.18 PCC Officers, in the conduct of their work for the PCC, have access to the Internet for research and other work related activities. Officers are required to make application for access to the Internet and agree to comply with the PCC's ICT Security Policy. The security policy states that intentional misuse of the Internet by staff that can be deemed to be of an illegal, offensive or unethical nature is unacceptable and therefore just cause for the PCC to take disciplinary action, e.g.

- violation of copyright, license agreements or other contracts for example copying and using software for business purposes from a site where there is a clear limitation for personal use only;
- downloading any information which could be considered illegal or offensive e.g. pornographic or racist material (in this context the term 'pornographic' is used to include material which is considered distasteful but not illegal to possess);
- successful or unsuccessful attempts to gain unauthorised access to information resources – commonly known as hacking;
- using or knowingly allowing someone else to use any computer, computer network, computer system, program or software to devise or execute any artifice or scheme to defraud or to obtain money, property, services or other things of value by false pretences or promises or representations;
- without authorisation destroying, altering, dismantling, disfiguring, preventing rightful access to or otherwise interfering with the availability and/or integrity of computer-based information and/or information resources;
- without authorisation invading the privacy of individuals or entities that are creators, authors, users or subjects of the information resources; for example reading the e-mail of another without permission;
- using the internet for political lobbying;
- transmitting or causing to be transmitted, communications that may be construed as harassment or disparagement of others; or

- violating any UK laws pertaining to the unauthorised use of computing resources or networks.

## **21. PCC FINANCIAL GUIDANCE**

21.1 The Chief Executive Officer or Delegated Officer shall ensure that members of Council are aware of the extant financial guidance issued by DOH and that this direction and guidance are followed by the PCC.