

Reservation of Powers to the Board

and

Scheme of Delegation

Document control

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Target audience	All Managers
Summary	In accordance with the Code of Accountability for NHS Boards and NHSEs Code of Governance for NHS Provider Trusts, Bradford Teaching Hospitals NHS Foundation Trust (the Trust) is required to maintain a formal schedule of matters reserved to the Board. The purpose of this document is to define those powers and decisions that are specifically retained by the Board to ensure effective oversight, strategic control, and corporate governance
Changes since last revision	
Monitoring arrangements	The internal audit function shall operate in accordance with approved procedures and provide regular reports to the Audit Committee. These reports will offer assurance on the adequacy and effectiveness of internal controls, risks management, and governance processes across the organisation.
Training requirements	Not applicable

quality Impact Assessment	Not applicable
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1. Introduction

- 1.1.1 In accordance with the NHS Code of Accountability and NHS England's Code of Governance for NHS Provider Trusts, the Trust shall maintain a formal schedule of matters reserved to the Board. This document sets out those powers specifically reserved to the Board. While certain functions may be delegated to the Chair, Chief Executive or other Board members, the Board remains ultimately accountable for all its responsibilities and shall receive regular information about the exercise of delegated powers to support its oversight role.
- 1.1.2 All powers of the Trust not explicitly reserved to the Board or delegated to a committee shall be exercised on its behalf by the Chief Executive. The Scheme of Delegation outlines any functions the Chief Executive must perform personally and those delegated to other Board members or officers. The Chief Executive retains the authority to reassume any delegated powers if necessary.
- 1.1.3 In the absence of the Chief Executive, delegated powers may be exercised by the Chair following consultation with at least two non-Executive Directors.

2. Governors' Legal Responsibilities

- 2.1.1 The Trust governed by the Council of Governors, comprising elected individuals who hold specific statutory rights and responsibilities. These include:
- appointing or removing the Chair and non-Executive Directors
 - approving the appointment of the Chief Executive
 - at a general meeting the Council of Governors will:
 - receive the annual accounts, annual report, quality report and external auditor's annual letter
 - approve the remuneration and allowances and other terms and conditions of the Chair and non-Executive Directors
 - appoint or replace the Trust's external auditor
 - providing feedback to the Board to support the development of the Trust's forward plan for submission to NHSE
 - receiving and considering the views of the members on matters of strategic importance to the Trusts future direction

- approving any amendments to the Trust's Constitution
- holding non-Executive Directors individually and collectively to account for the performance of the Board of Directors
- representing the interests of the Trust's members and the wider public it serves
- approving significant transactions as defined in the Constitution
- appointing and removing the external auditors
- approving any increase in non-NHS income where it is 5% in any financial year

2.1.2 A 'Council of Governors Engagement Policy' is in place to guide the council's actions in circumstances where concerns arise regarding the performance of the Board of Directors, compliance with the provider licence, or other matters affecting the overall general wellbeing of the Trust.

3. Reservation of Powers to the Board

3.1 General Enabling Provision

- 3.1.1 The Board may determine any matter within its statutory powers, including those delegated to it, through full Board Meetings.
- 3.1.2 Certain powers are specifically reserved to the Board to ensure effective governance, oversight, and strategic control:

3.2 Regulation and Control

- 3.2.1 Approve, suspend, vary or amend the Standing Orders, Reservation of Powers, Scheme of Delegation and Standing Financial Instructions governing the conduct of the Trust's business.
- 3.2.2 Approve a Scheme of Delegation outlining the delegation of powers from the Board to its Committees or designated officers.
- 3.2.3 Require and receive the declarations of interest from Board members where a potential conflict with interests of the Trust may arise, and determine the extent of their involvement in related matters.
- 3.2.4 Require and receive the declarations of interests from Officers where a potential conflict with the interests of the Trust may arise.

- 3.2.5 Appoint, appraise, discipline and dismiss Executive Directors (subject to SO 2.6 and section 7 of the Constitution). Take disciplinary action against Board members who breach statutory requirements or Standing Orders.
- 3.2.6 Approve arrangements for handling complaints.
- 3.2.7 Adopt the and amend organisational structures, processes and procedures necessary for the effective operation of the Trust.
- 3.2.8 Ratify urgent decisions taken by the Chair and Chief Executive in accordance with Standing Order 4.2.
- 3.2.9 Approve arrangements for discharging the Trust's responsibilities as corporate trustee for charitable funds held on trust.
- 3.2.10 Approve the Trust's Major Incident Plan.
- 3.2.11 Approve arrangements relating to the discharge of the Trust's responsibilities as a bailee for patients' property.
- 3.2.12 Approve proposals for initiating or responding to litigation involving the Trust.

3.3 Appointments

- 3.3.1 Approve the establishment and dissolution of Board Committees.
- 3.3.2 Set the terms of reference and reporting arrangements for Board Committees.
- 3.3.3 Appoint members to all Board Committees.
- 3.3.4 Receive and respond to reports from Board Committees.
- 3.3.5 Ratify recommendations from Board Committees that do not hold executive authority.
- 3.3.6 Appoint the Deputy Chair of the Board.
- 3.3.7 Appoint representatives to external bodies or organisations.

3.4 Strategy, Business Plans and Budgets

- 3.4.1 Set the strategic aims and objectives of the Trust.
- 3.4.2 Approve the annual revenue and capital budgets.

- 3.4.3 Approve and oversee the Trust's risk management policies and procedures.
- 3.4.4 Ratify proposals for the acquisition, disposal or change of use of land and/or buildings, in accordance with the requirements of the Provider Licence issued by NHS England.
- 3.4.5 Approve proposals for ensuring quality and developing clinical governance in services provided by the Trust.
- 3.4.6 Approve initiatives to ensure equality and diversity in both employment and delivery of service.
- 3.4.7 Approve the Trust's investment policy and authorise institutions for holding temporary cash surpluses.
- 3.4.8 Approve the borrowing policy, including long- term financing arrangements such as leases.
- 3.4.9 Authorise any changes capital scheme budgets exceeding 20% or £500,000 (whichever is greater), and approve any increase to the overall capital programme. To note this does not over ride the requirement for Board to approve contracts in line with the Scheme of Delegation and Standing Financial Instructions.

3.5 Financial and Performance Reporting Arrangements

- 3.5.1 Maintain continuous oversight of the Trusts affairs through reports received from Board members, committees, and officers as set out in management policy statements. All monitoring returns required by NHS England and the Charity Commission must be reported to the Trust, at least in summary.
- 3.5.2 Approve the opening and closure of all bank and investment accounts.
- 3.5.3 Review and approve the Trust's Annual Report, including the annual accounts, prior to submission to the Council of Governors.
- 3.5.4 Receive and approve the annual report(s) for charitable funds held on trust.
- 3.5.5 Receive financial performance reports from the Chief Finance Officer, including updates against the approved budget and annual business plan.

3.6 Audit Arrangements

- 3.6.1 Receive and consider reports from the Audit Committee, and take appropriate action as required.
- 3.6.2 Receive the external auditors annual management letter and, where appropriate approve actions recommended by the Audit Committee.

4. Reservation of Powers to the Board and Scheme of Delegation

4.1.1 The delegation table below outlines the framework for decision making responsibilities within the Trust. Directors are accountable for ensuring that all staff operate in accordance with the Scheme of Delegation, Standing Orders and Standing Financial Instructions. The Scheme of Delegation specifies the lowest level to which authority may be delegated, however, Directors are not obligated to delegate to this level.

4.1.2 The levels of management/delegation referred in this scheme include:

- Chief Executive (In the Chief Executive absence, urgent matters may be addressed by the Deputy Chief Executive).
- Chief Finance Officer (In the Chief Finance Officer absence, urgent matters may be addressed by the Deputy/Assistant Director of Finance)
- Other Executive Directors
- Trust Secretary
- Relevant General Managers

4.1.3 Executive Directors are responsible for identifying officers within their directorate to be authorised as Authorised Signatories under this scheme of delegation. The Finance Department maintains a register of authorised signatories supported by specimen signatories. Forms for registering authorised signatories are available from the Financial Management team within the Finance Directorate.

SCHEME OF DELEGATION (all thresholds include costs of non-recoverable VAT)		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
4.1 Delegation of budgets and approval to spend funds		
SFI 3.2.3	Annual Business Plan	The Board
SFI 3.4	Budgetary Control	Chief Finance Officer
SFI 8.3	Approval of new staff appointments and re-grading	Director of HR
SFI 8.4	Approval of pay expenditure (staff timesheets)	General Manager, Executive Director, Director of Estates and Facilities, Director of Pharmacy, Director of Research
	Approval of business cases seeking additional revenue internal funding (excluding Research and Development).	
	Up to £500,000 (in year costs)	Planning Committee and Executive Management Team
	Over £500,001 (in year costs)	Board of Directors
SFI 9.1	<p>Authorisation of requisitions/invoices - non-pay expenditure:</p> <p>The delegation of authority for non pay expenditure is determined jointly by the relevant Executive Director and the Chief Finance Officer, who will agree appropriate value threshold for further delegation within their areas of responsibility.</p> <p>The Non Pay Review Panel, chaired by the Chief Finance Officer, will review all non pay expenditure proposals that involve commitment of additional expenditure exceeding £1,000, where such expenditure would increase the Trust's ongoing run rate. This threshold may be subject to change during the financial year.</p> <p>Invoice approval thresholds for non purchase order invoices:</p> <ul style="list-style-type: none"> - When the Trust is not financially distressed : Final approval of all non-purchase order invoices exceeding £100,000 rests with the Chief Finance Officer. - - When the Trust is financially distressed: Final approval for all non-purchase order invoices exceeding £50,000 rests with the Chief Finance Officer 	

	Up to £5,000	Ward Manager
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SCHEME OF DELEGATION (to note a paper or business case for all new expenditure is expected to be presented to ETM in line with the accountability framework)		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £5,000 up to £25,000	Matron Deputy General Manager
	Over £25,000 up to £50,000	Deputy Director of Nursing Senior General Manager General Manager
	Over £50,000 up to £75,000	CSU Clinical Director
	Over £75,000 up to £100,000	Deputy Director of Estates Deputy Director of Operations Director of Nursing
	Over £100,000 up to £150,000	Executive Directors Deputy Chief Operating Officer Deputy Director of Finance
	Over £150,000 up to £250,000	Chief Operating Officer
	Over £250,000 up to £500,000	Chief Finance Officer
	Over £500,000 up to £1,000,000	Chief Finance Officer and Chief Executive
	Over £1,000,000	Board of Directors
	Non-pay expenditure for which no specific budget has been set within delegated budget plans.	Chief Executive or Chief Finance Officer
	Approval of routine expenses claims	Line Manager

	Prioritisation of Supplier Payments	Executive Team Meeting
SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
SFI 9.2.7	Pre-payments (payment to suppliers before goods or services are received)	
	up to £25,000	Assistant Director of Finance
	Over £25,000 up to £100,000	Assistant Director of Finance and Deputy Director of Finance
	Over £100,000	Deputy Director of Finance and Chief Finance Officer
4.2 Operation of all detailed financial matters		
SFI 5	Approve the opening, closing and management of all bank and investment accounts.	Chief Finance Officer
SFI 8.4	Payroll	Chief Finance Officer
SFI 9.2	Purchase ledger/creditor payments	Chief Finance Officer
SFI 9.2	Petty cash and purchase card	Chief Finance Officer
SFI 6.4	Debtors	Chief Finance Officer
SFI 10.5	Treasury management	Chief Finance Officer
4.3 Income Systems		
SFI 6	System design, prompt banking, review and approval of fees and charges, debt recovery arrangements, design and control of receipts, for provision of adequate facilities and systems for employees whose duties include collecting or holding cash.	Chief Finance Officer
4.4 Annual capital / finance lease programme and capital / finance lease expenditure proposals		
SFI 11	Approval of Five Year Capital and Finance Lease Programme	Capital Strategy Group and Board of Directors

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
SFI 11.1	<p>Total budget spend of each capital and finance lease scheme may be varied by up to £500,000, subject to capital programme remaining within budget.</p> <p>Total budget spend of each capital and finance lease scheme may be varied by up to £1,000,000, subject to capital programme remaining within budget.</p> <p>A business case is required for capital and finance lease expenditure proposals of value over £500,000 where this is related to the replacement of existing assets.</p> <p>For the new items the Foundation Trust' Service Development Guidelines <u>must</u> be followed.</p>	<p>Capital Strategy Group</p> <p>Capital Strategy Group and ETM</p> <p>Capital Strategy Group and Relevant General Manager</p>
4.5 Capital Approval		
	<p>Replacement of existing capital assets</p> <p>Up to £150,000</p> <p>Over £150,001</p>	<p>Capital Operational Group</p> <p>Capital Strategy Group</p>
	Vesting Certificates (Managing Public Money Guidance must be followed)	Relevant General Manager and Deputy Director of Finance
4.6 Arrangements for the management of land, buildings and other assets belonging to or leased by the Trust		
SFI 11.3–5	Physical management and maintenance of assets including notifying discrepancies to Chief Finance Officer, and reporting losses in accordance with Trust procedure.	
	Land and buildings.	Director of Estates and Facilities.

	Equipment.	Relevant General Manager.
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SCHEME OF DELEGATION		
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Reference (where applicable)	Delegated Responsibility	Delegated Officer
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	Asset register and capital charges.	Chief Finance Officer.
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4.7 Management and control of stocks		
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SFI 12	Theatres.	General Manager
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	Pharmacy	Director of Pharmacy
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	Estates	Director of Estates
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	Other stocks.	Relevant General Manager.
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4.8 Recording, monitoring and approval of payments under the losses and special payments regulations		
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SFI 13.2	Monitoring and approval of losses and special payments.	Chief Executive and Chief Finance Officer
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	Accounting for losses and special payments.	Chief Finance Officer.
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	General Administration.	Relevant General Manager.
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	Write-offs NB. Written reports on write-offs are provided to the Audit Committee	
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	Drugs Up to £5,000 Over £5,000	Director of Pharmacy Chief Finance Officer
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SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Other items Up to £10,000 Over £10,001 up to £50,000 Over £50,001 up to £100,000 Over £100,001	CSU Clinical Director Chief Finance Officer Chief Finance Officer and Chief Executive Board of Directors
	Cash losses and bad debts: NB. A bad debt write-off for these purposes is the writing off of any income due to the Trust, whether or not invoices – it does not include adjustments relating to invoices raised in error. These write-offs once agreed will impact on individual budgets – there is no central provision. If the budget holder does not agree to a write-off being charged to their budget, this should be escalated to the Chief Finance Officer. NB. Written reports on write-offs are provided to the Audit Committee.	
	Up to £500	Credit Income Manager
	Over £501 up to £5,000	Deputy Director of Finance
	Over £5,001 up to £10,000	Chief Finance Officer
	Over £10,001	Chief Executive and Chief Finance Officer
	Overpayment of Staff Salaries There is the expectation that any overpayment of salary to staff or leavers will be fully recovered.	
	Up to £10,000	Chief Finance Officer

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £10,001	The Board
	Losses of equipment and property: NB. These write-offs once agreed will impact on individual budgets – there is no central provision. NB. Written reports on write-offs are provided to the Audit Committee.	
	Up to £10,000	Chief Finance Officer
	Over £10,001	The Board
SFI 18	Claim	
	Clinical negligence/personal injury	
	All payments over the relevant excess (zero for clinical negligence, £3,000 for employer's liability and £10,000 for public liability) are approved and made directly by the NHS Litigation Authority – however, the NHSLA still requires the agreement of the Foundation Trust for all admissions.	NHS Litigation Authority (NHSLA) and Chief Executive or CSU Clinical Director
	Claims settled without legal advice:	
	Total costs, including damages, claimant and defence costs up to £10,000	Claims Manager
	Over £10,001 up to £50,000	Any two of: Claims Manager, Medical Director, Chief Finance Officer or Deputy Chief Executive

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £50,001	Claims Management Group, Chief Finance Officer and Chief Executive
	Negotiated settlements with legal advice (i.e. out of court settlements):	
	Total costs up to £100,000	Claims Manager and Chief Finance Officer
	Over £100,001	Claims Management Group and Chief Executive
	Payments made under full legal obligation:	
	Total cost approved by the NHSLA	Claims Manager and reported to Claims Management Group
	Other Claims (not clinical negligence/personal injury):	
	Compensation claims arising out of legal action	Such payments may require NHSEI and HM Treasury approval. Advice should be obtained from Chief People and Purpose Officer or Trust Secretary.
	Up to £50,000	Chief Finance Officer
	Over £50,001	The Board
	Extra-contractual payments to contractors; other compensatory payments:	
	Up to £5,000	Chief Finance Officer

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £5,001	The Board
SFI 18	Complaints	
	Ex-gratia payments made in respect of complaints	
	Up to £1,000	Relevant General Manager with notification to Claims Manager
	Over £1,001 up to £5,000	Relevant General Manager and Claims Manager
	Over £5,001	The Board
	Special Payments	
	(Other payments made in line with the Losses and Special Payments policy not included in approval above)	
	Up to £50	Relevant General Manager following submission of a completed Losses and Special Payment Checklist
	Over £50 up to £1,000	Relevant General Manager and Deputy Director of Finance
	Over £1,000 up to £10,000	Relevant General Manager and Chief Finance Officer
	Over £10,000	The Board
4.9 Disposal of a deceased patients' property:		
SFI 15.5	Property value up to £5,000:	

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Cash up to £100 and all valuables may be released to relatives who sign form of indemnity.	Deputy/Assistant Director of Finance
	Cash over £100 may be released by cheque together with all valuables to relatives who sign a form of indemnity.	Deputy/Assistant Director of Finance
	Property value over £5,000:	
	Cash over £100 may be released by cheque together with all valuable on production of probate letters or administration.	Chief Finance Officer
4.10 Management of non-exchequer funds		
SFI 16	Charitable Funds	
	Approval of expenditure	
	Up to £500	Fund Holder
	Over £501 up to £10,000	General Manager, Patient Services Manager and Chief Finance Officer
	Over £10,001 up to £50,000	Chief Finance Officer and Chief Executive
	Over £50,001 to £100,000	Chief Executive, Chair and Chief Finance Officer
	Over £100,001	Bradford Hospitals Charity Committee
	Financial administration	Chief Finance Officer
	General administration	Charity Director

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Patients' Monies	
	Nursing	Chief Nurse
	Financial administration	Chief Finance Officer
4.11 Insurance Arrangements		
SFI 18.3	Ensure that insurance arrangements exist in accordance with the risk management programme.	Chief Finance Officer
4.12 Non-Clinical Risk Management		
SFI 18	Ensure that Trust has a programme of risk management in place.	Chief Executive
4.13 Business Conduct and Hospitality		
SFI 20	Ensure staff members are aware of the Trust Policy on acceptance of gifts and Standards of Business Conduct for NHS Staff in accordance with the Standing Orders and Financial Instructions.	Trust Secretary
4.14 Tendering and Contracting (including Grants and Contract Execution)		
(Aggregate contact value, including extensions) to note this extends to both capital and revenue		
SFI 21	less than £15,000	General Manager or Budget Holder (minimum Band 8a)
	Over £15,000 to £138,760	Deputy Director of Finance or Assistant Director of Procurement (all contracts) Director of Estates and Facilities (Estates & Facilities contracts) Director of Pharmacy (Pharmacy contracts) Director of Research (Research contracts and grants)

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £138,761 to £250,000	Deputy Director of Finance or Assistant Director of Procurement (all contracts) Director of Estates and Facilities (Estates & Facilities contracts) Director of Pharmacy (Pharmacy contracts) Director of Research (Research contracts and grants) AND Deputy Director of Finance
	Over £250,001 to £1,000,000	Deputy Director of Finance or Assistant Director of Procurement (all contracts) Director of Estates and Facilities (Estates & Facilities contracts) Director of Pharmacy (Pharmacy contracts) Director of Research (Research contracts and grants) AND Chief Finance Officer
	Over £1,000,001 to £2,000,000	Deputy Director of Finance or Assistant Director of Procurement (all contracts) Director of Estates and Facilities (Estates & Facilities contracts) Director of Pharmacy (Pharmacy contracts) Director of Research (Research contracts and grants) AND

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
		Chief Finance Officer and Chief Executive
	Over £2,000,001	Deputy Director of Finance or Assistant Director of Procurement (all contracts) Director of Estates and Facilities (Estates & Facilities contracts) Director of Pharmacy (Pharmacy contracts) Director of Research (Research contracts and grants) AND Chief Finance Officer and Chief Executive PROVIDED THAT the Board of Directors have specifically approved the execution of the contract by the Trust
4.15 Research and Development Applications (for Research Grants and Commercial Research Contracts)		
SFI 19	less than £250,000	General Manager and Finance Manager

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
	Over £250,001 to £1,000,000	Director of Research and Deputy Director of Finance
	Over £1,000,001 to £2,000,000	Medical Director and Chief Finance Officer
	Over £2,000,001	Medical Director and Chief Finance Officer AND Paper shared at Executive Team Meeting (before or after)
4.16 Research Grants and Commercial Research Contracts (commitment to proceed after successful application)		
SFI 19	less than £250,000	General Manager and Finance Manager
	Over £250,001 to £1,000,000	Director of Research and Deputy Director of Finance
	Over £1,000,001 to £2,000,000	Medical Director and Chief Finance Officer
	Over £2,000,001 to £3,000,000	Medical Director and Chief Finance Officer AND Paper shared at Executive Team Meeting
	Over £3,000,001	Medical Director and Chief Finance Officer Paper shared at Board of Directors (delegated to Chair if time constraints)
4.17 Management and control of computer systems and facilities		
SFI 14.1.1	Accuracy and security of computerised financial data systems	Chief Digital and Informatics Officer
SFI 14.1.3	Publish and maintain Freedom of Information (FOI)	Communications Manager
4.18 Appointment of consultant medical staff		
SFI 8.3.3	Approval of business cases for appointment of new Consultant Medical Staff.	The Executive Team

SCHEME OF DELEGATION		
Reference (where applicable)	Delegated Responsibility	Delegated Officer
4.19 Pay Rate Controls		
SFI 21.12	Agreement of any off-payscale pay rates outside of the national agenda for change and medical and dental payscale.	Chief Finance Officer and Director of HR.
4.20 Engagement of temporary workers, particularly agency staff		
SFI 21.11	Authority to enter into contracts of employment for staff, agency staff or temporary staff service contracts.	
	Professional groups other than Nursing and Medical	Vacancy Approval Panel
	Nursing staff via the Flexible Workforce Team Office	Director of HR
	Medical Staff via the Flexible Workforce Team at Human Resources	Director of HR
4.21 Use of directed surveillance		
	Directed surveillance that is carried out by the Foundation Trust is subject to strict controls.	This can only be authorised by the Police or NHS Protect (Counter Fraud Service).