

# PBNI: THE SCHEME OF DELEGATION AND POWERS



**PBNI**

Probation Board  
for Northern Ireland

Approved February 2022

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### **Section 1 - Introduction:**

1. The Standing Orders reflect the manner in which the Probation Board of Northern Ireland (PBNI) gives effect to the requirements set out in the MSFM (Management Statement Financial Memorandum). This document is designed to describe how the PBNI operates. It covers how PBNI is structured, how it takes decisions, and where authority and accountability is held.
2. For effective governance, the Board of the PBNI ('the Board') must have in place arrangements to ensure that there is clarity about how and where decisions are made, and who makes them at the appropriate level within defined limitations.
3. The Board has a responsibility to ensure that staff at all levels of the organisation confidently understand what delegated authority they have to make decisions, and are clear what to do when they do not have authority. The Scheme of Delegation sets out who has the authority to make decisions within the PBNI.
4. This document cannot be read in isolation, it sits alongside other documents to create a governance framework for the PBNI.
  - a. The Probation (NI) Order 1982, as amended

- b.** The MSFM <sup>1</sup>, including Managing Public Money (NI) and Dear Accounting Officer and other Letters.
  - c.** The Board's Standing Orders, which set out the Terms of Reference (TOR) for each Committee
  - d.** HM Treasury Handbook: Regularity and Propriety.
- 5. Senior Executives are not independent, they are part of the PBNI. They are granted powers through the Scheme of Delegation to allow them to manage themselves effectively to organise and deliver high quality services. However, they will be expected to use the authority delegated to them to a high standard of probity and in the best interests of the organisation and service users.

## **Section 2 - Underpinning Principles of Empowerment**

- 6. The Scheme of Delegation has been designed to be a tool to empower Senior Executives who have been given authority to act through this Scheme of Delegation, to take appropriate action within a robust corporate framework.
- 7. Senior Executives will have defined freedoms under this Scheme of Delegation, but will remain bound to PBNI Vision and Values, strategies, policies and procedures. Any decision taken under the freedoms set out in this Scheme of Delegation remains subordinate to Board decisions. Responsibility for appropriate implementation, and ensuring appropriate compliance, rests with the Executive team.
- 8. While this Scheme of Delegation provides the power to commit resources to individual Executives, individuals must take account of the Board's decisions in the use of resources.

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<sup>1</sup> When the Partnership Agreement is in place, it will replace the MSFM.

9. The Board's strategies, policies and procedures also shape the expectation of the employer regarding the behaviour of employees. Employees will comply with instructions issued by the Board, or set out in the Scheme of Delegation, or in other corporate governance or policy documents.<sup>2</sup>
10. The Board will retain the option to authorise corporate intervention to support a particular work area. In certain circumstances, it may also be necessary to set aside the usual devolution arrangements, using this authority, in order to manage specific issues and problems.
11. Any decision to suspend the agreed devolution arrangements will be reported to the Board by the Chief Executive, along with an explanation of the rationale for doing so. The Performance Management Framework provides the rules and processes for such action. The Chief Executive may choose to intervene outside the formal Performance Management Framework, according to individual circumstances, subject to the oversight of the Board.
12. Each Senior Executive remains accountable for compliance with all strategies, policies and procedures in their area of responsibility, and must take all appropriate steps to ensure that their staff are aware of the necessary details to carry out their duties.
13. Each Senior Executive must take corrective action when issues of non-compliance occur in their area of responsibility, including escalation of the issue where this is necessary.
14. Where matters arise involving significant risk to the PBNI, but not defined in this document, these must be referred to the Board.

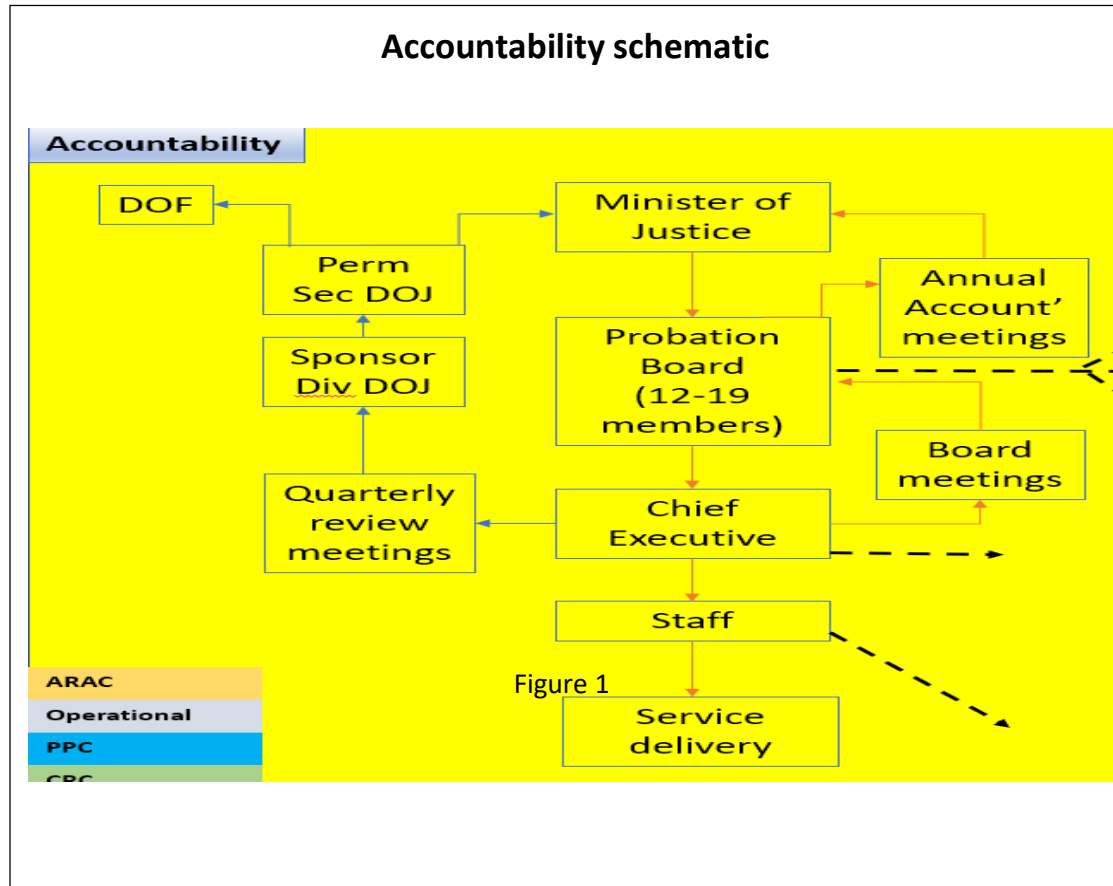
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<sup>2</sup>The Accounting Officer is responsible, inter-alia, for advising the Board on matters of financial propriety, regularity or of prudent and economical administration, efficiency and effectiveness. The Accounting Officer is also responsible for taking formal action if the Board is contemplating a course of action that would infringe these requirements. Such action is set out at section 3.8.5 of MPMNI.

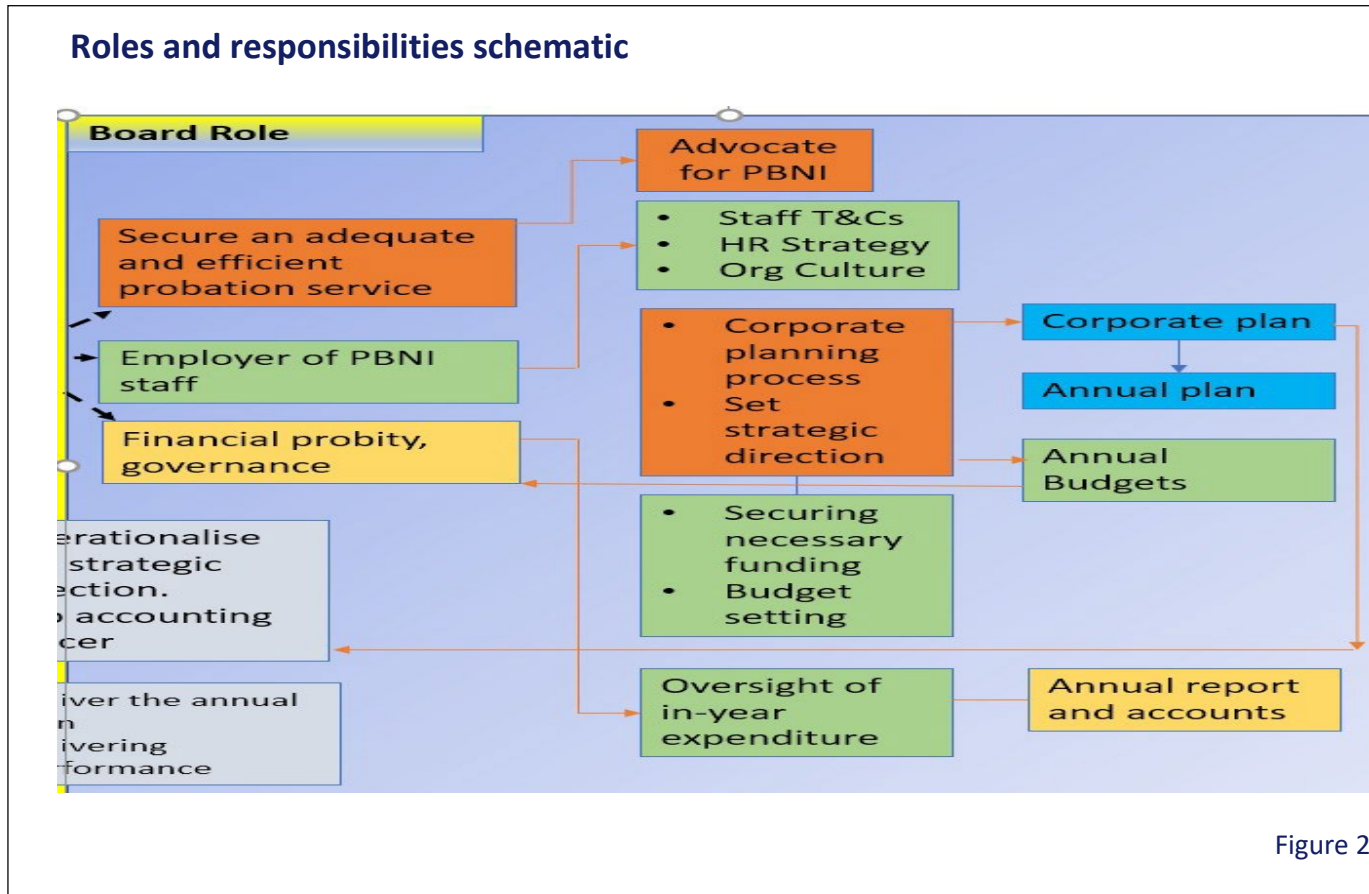
### Section 3 - Accountabilities, Roles and Responsibilities

15. **The Board** is accountable for the delivery of the probation service to the Minister of Justice. Its responsibilities are set out in the '82 Order, as amended. The Chief Executive is responsible to the Board for the delivery of the probation service.

16. The accountability arrangements are set out in Figure 1 below:



17. The roles and responsibilities are summarised in Figure 2 below.



### 18. The Board Chair:

The Chair has a particular leadership responsibility on the following matters:

- formulating the Board's strategy;



- ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Minister of Justice or the DOJ;
  - promoting the efficient, economic and effective use of staff and other resources;
  - representing the views of the Board on its statutory role to the general public; and
  - ensuring that the Board meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Board members.
- ensure that all members of the Board, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, and receive appropriate induction training, including on the financial management and reporting requirements of public sector bodies and on any differences which may exist between private and public sector practice;
  - advise the DOJ of the needs of PBNI when Board member vacancies arise, with a view to ensuring a proper balance of professional and financial expertise; and
  - assess the performance of individual Board members. Board members will be subject to ongoing performance appraisal, with a formal assessment being completed by the Chairman of the Board at the end of each year. Members will be made aware that they are being appraised, the standards against which they will be appraised, and will have an opportunity to contribute to and view their report. The Chairman of the Board will also be appraised on an annual basis by the Director of Safer Communities.

The Chair shall also ensure that a Code of Practice for Board members is in place, based on the *Codes of Conduct for Board Members of Public Bodies*, (attachment to FD (DFP) 04/14). The Code shall commit the Chairman and other Board Members to the Nolan “seven principles of public life”, and shall include a requirement for a comprehensive and publicly available register of Board Members’ interests.

Communications between the Minister, the DOJ and PBNI shall normally be through the Board Chair. The Chair shall ensure that the other Board members are kept informed of such communications on a timely basis.

#### **19. The Deputy Chair:**

The Deputy Chair is one of the Board Members appointed by the Minister with the primary role being to perform the duties of the Chair in his or her absence.

**20. Board Members:**

The Board Members are appointed by the Minister of Justice. They shall act in accordance with their wider responsibilities as members of the Board – namely to:

- comply at all times with the Code of Practice (see paragraph 3.5.5) that is adopted by the PBNI and with the rules and guidance relating to the use of public funds and to conflicts of interest;
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations; and to declare publicly and to the Board any private interests that may conflict or be perceived to conflict with their public duties;
- comply with the Board’s rules on the acceptance of gifts and hospitality, and of business appointments; and
- act in good faith and in the best interests of PBNI.

**21. The Chief Executive:**

The Chief Executive of PBNI is designated as PBNI’s Accounting Officer by the departmental Accounting Officer of the DOJ. The Accounting Officer of PBNI is personally responsible for safeguarding the public funds for which he/she has charge; for ensuring propriety and regularity in the handling of those public funds; and for the day-to-day operations and management of PBNI.

## **22. Board Secretary:**

The Board Secretary is responsible to the Board for ensuring the governance arrangements, as set out in the MSFM and the Standing Orders, are effectively delivered. He/she will provide each member with a copy of the Standing Orders.

## **23. Board Committees:**

The Board has established four Committees. The intention is to allow for the appropriate emphasis to be placed as necessary in order to control the activities of the organisation. The TOR for each Committee are set out in annexes to the Standing Orders. The purpose of each is summarised below:

- a. Audit & Risk Assurance Committee** will support the Board and Accounting Officer by reviewing the completeness of assurance to satisfy their needs and by reviewing the reliability and integrity of the assurance
- b. Corporate Resources Committee** will provide assurance that the appropriate arrangements in respect of resources and support arrangements are in place for the delivery of the Board's strategic objectives and to meet the statutory and other responsibilities
- c. Policy & Practice Committee:** The purpose of the Committee is to provide assurance that PBNI has the appropriate policies in place, aligned with best practice exercised by the professional staff, to meet the strategic priorities; and to meet the statutory and other responsibilities.
- d. Remuneration Committee:** The purpose of the Committee is to approve the annual objectives for the Chief Executive, consider performance (following receipt of a report from the Board Chair) and make recommendations to the Board on the appropriate performance pay remit. The Committee will also consider and make recommendations to the Board on matters relating to staff's terms and conditions, referred to it under HR procedures.

## **Section 4: Management Decision Making and Organisational Structure**

## **24. Powers Retained by the Board**

The system of Accountability, which has been adopted by PBNI, requires the Board to determine which decision making powers it retains at Board level, and does not delegate. These reserved matters are set out in paragraphs 5.2 to 5.8 below, and in conjunction with Standing Orders constitute the core duties of the Board.

## **25. General Enabling Provisions**

The Board may determine any matter it wishes in full session within its statutory powers.

Equally, the Board may choose, in full session within its statutory powers to delegate responsibility for any of its reserved powers, having fully defined the terms of such delegation.

## **26. Regulation and Control:**

- i. Approval of the governance arrangements and a schedule of matters reserved to the Board
- ii. Approval of changes made to the MSFM and/or the Partnership Agreement, when approved.
- iii. Approval of a Scheme of Delegation of powers from the Board.
- iv. Declaration of Members' interests which may conflict with those of the Board, and determining the extent to which that Member may remain involved with the matter under consideration.
- v. Approval of a Code of Conduct for members.
- vi. Approval of the disciplinary and grievance procedure for employees of the PBNI.
- vii. Approval of arrangements for dealing with complaints.
- viii. Adoption of or substantial modification to the structures and procedures used by the PBNI to carry out its operations.
- ix. Receiving reports from Committees, and to take appropriate action in response to issues raised by those Committees.
- x. Confirming the recommendations of any of the Board's committees, where the committee does not have delegated executive powers.

- xi. Establishing terms of reference and reporting arrangements of the formal committees of the Board.
- xii. Noting and, where appropriate, reviewing any urgent business decisions taken by the Chair and/or Chief Executive.

**27. Appointments:**

- i. The creation and dissolution of formal committees of the Board.
- ii. The appointment of members of any committee of the Board.
- iii. Appointment of Chief Executive.

**28. Arrangements for Discharging Statutory Responsibilities:**

- i. Approving management responsibilities, arrangements and policies which relate to the fulfilment of a statutory function.

**29. Business Plans and Budgets:**

- i. Defining the strategic and operational aims and objectives of PBNI, and submission of the Corporate Plan for approval by the Minister.
- ii. Each year, approving a Business Plan which allows and enables the operational delivery of the Corporate Plan and submit to the Minister for approval.
- iii. An annual Budget for PBNI spend and overall approval of programmes of investment.

**30. Direct Operational Decisions:**

- i. Acquisition and disposal of land and/or buildings.
- ii. The introduction, amendment or discontinuance of any significant activity or operation. An activity or operation shall automatically be regarded as significant if it might be regarded as being novel or contentious, including any significant change in the deployment of personnel, or resources or the potential for reputational risk.
- iii. Approval of individual contracts of a capital or revenue nature amounting to, or likely to amount to over £1M..

- iv. Approval of individual losses, write offs and compensation payments.
- v. Agreeing action on litigation<sup>3</sup>.
- vi. Approval of acquiring or granting new leases.

**31. Financial and Performance Reporting Arrangements:**

- i. Continuous appraisal of the affairs of PBNI by means of receipt of reports, as specified by the Board, from Senior Executives of the PBNI.
- ii. Consideration and approval of the annual report, including the annual financial accounts and accountability report. After the Board's approval, the Chief Executive may sign the Accounts in accordance with the Accounting Officer's memorandum.
- iii. Receipt of the Chair's report and the minutes of every Committee meetings, taking appropriate action in the light of recommendations emanating from it.
- iv. Approving the PBNI pay policy.

**32. Audit Arrangements:**

- i. Approval of internal audit arrangements.
- ii. Receipt of the minutes of the Audit and Risk Assurance Committee meetings, and take appropriate action.
- iii. Receipt of '*The Report to Those Charged with Governance*' received from the external auditor, and agreement of action on any recommendations, where appropriate, from the Audit and Risk Assurance Committee.
- iv. Receipt of the annual report and Head of Internal Audit Opinion received from the internal auditor, and the agreement of action on the any recommendations, where appropriate, from the Audit and Risk Assurance Committee.

**33. Risk Monitoring and Management:**

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<sup>3</sup> If circumstances prevent prior approval, a retrospective approval may be sought. See Annex 4 for details

- i. Agreeing PBNI risk appetite and approval and monitoring of the PBNI's policies and procedures for the management of risk.

## **Section 5: Arrangements for reviewing the Board's Performance, Effectiveness and Review**

### **34. Assessment and Review**

- i. **Annual self-assessment:** An annual self-assessment will be undertaken to review the governance arrangement and inform an improvement plan for the next financial year.
- ii. **Annual appraisals:** Annual appraisals will be undertaken by the Board Chair of the Members to assess their performance and contribution; and to identify any development needs.
- iii. **External Reviews:** The Annual Accounts will be reviewed by the Northern Ireland Audit Office (NIAO). The NIAO may also undertake Value for Money Reviews involving PBNI. There will be an annual programme undertaken by Internal Audit to ensure the governance arrangements are effective. From time to time, PBNI will be reviewed by Criminal Justice Inspectorate (NI), either as the focus of the review or as part of a wider review.

### **35. Accountability**

- i. The Chief Executive will inform the Board about progress against the Annual Plan each quarter
- ii. There will be an annual Accountability meeting with the Minister of Justice at which the Board's performance will be reviewed.

### **36. Review**

The Schedule of Delegations will be reviewed every 3 years and more often, if considered necessary.

**ANNEX 1 - SCHEME OF DELEGATION DERIVED FROM THE CODES OF CONDUCT AND ACCOUNTABILITY**

<b>DELEGATED TO:</b>	<b>AUTHORITIES / DUTIES DELEGATED:</b>
<b>All Board Members</b>	All Board Members must comply with the Codes of Conduct, the conflicts of interest policy and the Accountability arrangements.
<b>Chair and Members</b>	The Chair and Members are responsible for monitoring the executive management of the organisation and are responsible to the Minister for Justice for the discharge of those responsibilities.
<b>Chief Executive</b>	<p>The Chief Executive is accountable to the Chair and Members of the Board for ensuring that its decisions are implemented, that the organisation works effectively, in accordance with Government policy and public service values and for the maintenance of proper financial stewardship.</p> <p>The Chief Executive should be allowed full scope, within clearly defined delegated powers, for action in fulfilling the decisions of the Board.</p> <p>The other duties of the Chief Executive as Accounting Officer are laid out in the Accounting Officer’s Memorandum.</p>



**ANNEX 2 - DECISIONS/DUTIES DELEGATED BY THE BOARD TO COMMITTEES**

<b>DELEGATED TO:</b>	<b>AUTHORITIES / DUTIES DELEGATED:</b>
<b>Chair and Members</b>	Declaration of potential conflict of interests at Committee meetings.
<b>Audit and Risk Assurance Committee</b>	<p>The Committee shall contribute to the establishment, review and maintenance of an effective system of integrated governance, risk management and internal control, across the whole of PBNI's activities that supports the achievement of the organisation's objectives. The Committee will:</p> <ol style="list-style-type: none"> <li>1. Review the adequacy of all risk and control related disclosure statements (in particular the Governance Statement), together with any accompanying Head of Internal Audit statement, external audit opinion or other appropriate independent assurances, prior to endorsement by the Board.</li> <li>2. Review the adequacy of the underlying assurance processes that indicate the degree of the achievement of corporate objectives, the effectiveness of the management of principal risks and the appropriateness of the above disclosure statements.</li> <li>3. Review the adequacy of the policies for ensuring compliance with relevant regularity, legal and code of conduct requirements, including the Standing Orders and Standing Financial Instructions.</li> <li>4. Review the adequacy of the policies and procedures for all work related to fraud and corruption.</li> <li>5. Review the Schedule of Losses and Special Payments and will make recommendations to the Board.</li> <li>6. Review the effectiveness and findings of the internal and external audit services, considering the implications of, and managements responses to their work.</li> </ol>

	<p>7. Review the findings of other significant assurance functions, both internal and external to the organisation, and consider the implications for the governance of the organisation.</p> <p>8. Review PBNl's Annual Report and the Financial Statements before submission to the Board, focusing particularly on:</p> <ul style="list-style-type: none"> <li>• The wording in the Governance Statement and other disclosures relevant to the Terms of Reference of the Committee</li> <li>• Changes in, and compliance with, accounting policies and practices</li> <li>• Unadjusted mis-statements in the financial statements</li> <li>• Major judgemental areas</li> <li>• Significant adjustments resulting from the audit</li> </ul> <p>9. Ensure that the systems for financial reporting to the Board, including those of budgetary control, are subject to review as to completeness and accuracy of the information provided to the Board.</p> <p>10. Consider and approve relevant policies.</p>
<p><b>Remuneration Committee</b></p>	<p>The Committee will:</p> <ol style="list-style-type: none"> <li>1. Advise the Board about appropriate remuneration and terms of service for the Chief Executive.</li> <li>2. Arrangements for termination of employment and other contractual terms;</li> <li>3. Consider and approve relevant HR policies.</li> </ol>

<p><b>Policy and Practice Committee</b></p>	<p>The Committee will be responsible for assuring the Board that effective and regularly reviewed arrangements are in place to support the implementation, maintenance and development of the probation service, including any deviation from standards and the learning from Serious Further Offences. Such matters are properly considered and communicated to the Board.</p> <p>The Committee will review annually progress against the Corporate Plan’s priorities and report to the Board on its conclusions</p>
<p><b>Corporate Resources Committee</b></p>	<p>The Committee will be responsible for assuring the Board that effective and regularly reviewed arrangements are in place to support Human Resources, Finance and Organisational Development functions within PBNI.</p>

**ANNEX 3 - SCHEME OF DELEGATION DERIVED FROM THE ACCOUNTING OFFICER  
MEMORANDUM**

DELEGATED TO:	AUTHORITIES / DUTIES DELEGATED:
<b>Chief Executive</b>	Accountable through DOJ's Accounting Officer to Parliament/NI Assembly for stewardship of public resources.
<b>Chief Executive</b>	<p>Ensure the accounts of PBNI are prepared under principles and in a format directed by the DOJ. Accounts must disclose a true and fair view of PBNI's income and expenditure and its state of affairs.</p> <p>Sign the accounts on behalf of the Probation Board.</p>
<b>Chief Executive</b>	<p>Sign a statement in the accounts outlining responsibilities as the Accounting Officer.</p> <p>Sign a statement in the accounts outlining responsibilities in respect of Internal Control.</p>
<b>Chief Executive</b>	<p>Ensure effective management systems that safeguard public funds and assist the Board Chair to implement requirements of corporate governance including ensuring managers:</p> <ul style="list-style-type: none"> <li>• "have a clear view of their objectives and the means to assess achievements in relation to those objectives</li> <li>• be assigned well defined responsibilities for making best use of resources having the information, training and access to the expert advice they need to exercise their responsibilities effectively."</li> </ul>

<b>Chief Executive</b>	Implement requirements of corporate governance.
<b>Head of Finance</b>	Achieve value for money from the resources available to PBNI and avoid waste and extravagance in the organisation's activities.  Follow through the implementation of any recommendations affecting good practice as set out on reports from the Northern Ireland Audit Office (NIAO).
<b>Head of Finance</b>	Operational responsibility for effective and sound financial management and information.

<b>Chief Executive</b>	Primary duty to ensure that Head of Finance discharges the function of providing effective and sound financial management and information.
<b>Chief Executive</b>	Ensuring that expenditure by PBNI complies with Parliamentary/NI Assembly requirements.
<b>Chief Executive</b>	Chief Executive, supported by Head of Finance, to ensure appropriate advice is given to the Board on all matters of probity, regularity, prudent and economical administration, efficiency and effectiveness.

<b>Chief Executive</b>	If the Chief Executive considers that the Board or Chair is doing something that might infringe probity or regularity, he/she should set this out in writing to the Chair and the Board. If the matter is unresolved, h/she should ask the Audit and Risk Assurance Committee to enquire and if necessary consult the DOJ.
<b>Chief Executive</b>	If the Board is contemplating a course of action that raises an issue not of formal propriety or regularity but affects the Chief Executive's responsibility for value for money, the Chief Executive should draw the relevant factors to the attention of the Board. If the outcome is that he/she are overruled it is normally sufficient to ensure that his / her advice and the overruling of it are clearly apparent from the papers. Exceptionally, the Chief Executive should inform the DOJ.

**ANNEX 4 SCHEME OF DELEGATION FROM STANDING ORDERS**

<b>DELEGATED TO</b>	<b>AUTHORITIES / DUTIES DELEGATED:</b>
<b>Chair</b>	Final authority in interpretation of Standing Orders.

DELEGATED TO	AUTHORITIES / DUTIES DELEGATED:
<b>Board</b>	At a meeting in the absence of the Chair and Deputy Chair, appoint a Member acting as the temporary Chair for that meeting.
<b>Chair</b>	Call meetings, including Special meetings.
<b>Chair</b>	Chair all Board meetings and associated responsibilities.
<b>Chair</b>	Approve the agenda for any Board meeting and decide to restrict the number of items to ensure the proper disposal of business.
<b>Chair</b>	Give final ruling in questions of order, relevancy and regularity of meetings.
<b>Chair</b>	Having a second or casting vote
<b>Chair</b>	Suspension of Standing Orders

DELEGATED TO	AUTHORITIES / DUTIES DELEGATED:
<b>Audit and Risk Assurance Committee</b>	Audit and Risk Assurance Committee to review every decision to suspend Standing Orders (power to suspend Standing Orders is reserved to the Board)
<b>Board</b>	Variation or amendment of Standing Orders
<b>Board</b>	Appoint the Chair and Deputy Chair of each Committee
<b>Board</b>	Formal delegation of powers to Committees and approval of their constitution and terms of reference.
<b>Chair &amp; Chief Executive</b>	The powers which the Board has retained to itself within these Standing Orders may in emergency be exercised by the Chair and Chief Executive after having consulted at least two Members.
<b>Chief Executive</b>	The Chief Executive shall prepare a Scheme of Delegation identifying his/her proposals that shall be considered and approved by the Board, subject to any amendment agreed during the discussion.



DELEGATED TO	AUTHORITIES / DUTIES DELEGATED:
<b>Board</b>	Disclosure of non-compliance with Standing Orders to the Chief Executive as soon as possible.
<b>Chief Executive</b>	If it is not practicable to seek prior approval to settle a case, retrospective approval should be sought in accordance with the established requirements. The circumstances warranting the action should be explained.
<b>Board &amp; Senior Officials</b>	Declare relevant and material interests.
<b>Board Secretary</b>	At the direction of the Board Chair, convene Board meetings
<b>Board Secretary</b>	Maintain Register(s) of Interests.
<b>All</b>	Comply with any guidance on Standards of Conduct.

DELEGATED TO	AUTHORITIES / DUTIES DELEGATED:
<b>All members and staff</b>	Disclose relationships between self and candidates for staff appointments. (Chief Executive to report the disclosure to the Board.)
<b>Head of Finance</b>	Keep seal in safe place and maintain a register of sealing.
<b>Chief Executive</b>	Approve and sign all documents which will be necessary in legal proceedings.