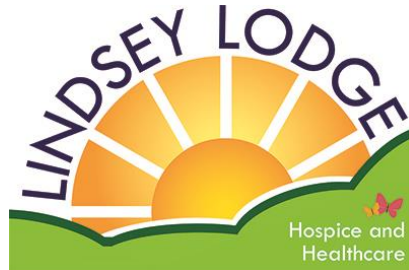


Powers Reserved to the Board of Trustees & Scheme of Delegation



Lindsey Lodge Hospice and Healthcare

POWERS RESERVED TO THE BOARD OF TRUSTEES & SCHEME OF DELEGATION

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Foreword

Lindsey Lodge Hospice became an incorporated legal entity on 8th September 1989 and is structured as a company limited by guarantee and not holding a share capital.

The **Memorandum of Association** in respect of Lindsey Lodge sets out the company's core objects and its main legal purpose – this document was revised in January 2018 in order to reflect the current objectives of the company. The revised objectives were agreed with the Charities Commission in May 2020 and uploaded onto their portal.

The **Articles of Association** provides definition as to how Lindsey Lodge undertakes the core objectives set out in the Memorandum of Association and provides a regulatory framework as to how the Hospice conducts its business. The Articles were also revised in January 2018 in order to reflect the creation of the **Board of Trustees** and the changes to the internal governance structure which stem from that.

The Hospice **Standing Financial Instructions** (SFIs) sets out the internal financial governance structure which the Hospice adheres to in order to discharge its core objectives and to protect the resources it holds. The SFIs fulfils the dual role of protecting the Hospices interests and protecting Trustees, and the officers acting on their behalf, from any possible accusation that they have acted less than properly in the conduct of their duties.

This policy builds upon the above documents and sets out the powers which are reserved to the Board of Trustees and those which are delegated to the Hospice Chief Executive who acts under the overall direction of the Board of Trustees.

The document also sets out how the Chief Executive delegates certain individual responsibilities to Directors and senior managers within the Hospice management structure and, in doing so, holds these members of staff to account.



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1. General Introduction

- 1.1 The Board of Trustees form the ultimate governance body for the Hospice and is charged with the responsibility for ensuring sound governance in terms of its obligations under Company Law; its responsibilities with its regulation as a charity by the Charities Commission and as a provider of health & social care as regulated by the Care Quality Commissioner (CQC).
- 1.2 Article 8 of the Articles of Association allows the Board of Trustees to devolve detailed oversight and scrutiny to sub-committees chaired by, and comprising, Trustees in order to support the Board of Trustees in its core function. The sub-committee structure and representation will be kept under review and the present sub-committee structure is set out in Appendix one.

2. Interpretation and terminology

Board of Trustees	the ultimate forum for decision making and governance oversight
Trustee	a member of the Board with the equivalent responsibility as company director
Chief Executive	the post with ultimate delegated power from the Board of Trustees and accountable officer

3. Responsibilities and Delegation

- 3.1 Whilst the Memorandum and Articles of Association set out that the Hospice's ultimate governance body is the **Board of Trustees** this policy sets out in detail those powers and decisions which may only be exercised by that body in formal session.
- 3.2 The **Board of Trustees** exercises overall supervision and control by:
- (a) formulating the Hospice strategy;
 - (b) ensuring that the strategy is embedded within a medium term plan which the Hospice Chief Executive is directed to deliver;
 - (c) ensuring that annual budgets are constructed within a framework consistent with the medium term direction;
 - (d) ensuring that the Hospice maintains a robust internal governance framework which focuses on high quality patient care and safety, minimisation of risk within an affordable and sustainable financial envelope;
 - (e) ensuring that the Hospice meets all the relevant statutory and regulatory requirements.
- 3.3 The **Chief Executive** has overall executive responsibility for the Hospice's activities and is responsible to the Board of Trustees for ensuring that the care provided by the Hospice is safe and compliant with relevant statute, regulations and other obligations placed upon the Hospice by the CQC and other bodies.



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4. Powers Reserved to the Board of Trustees

- 4.1 The Board of Trustees may determine on any matter it wishes in full session provided that the Board is acting within the parameters set out within the Hospice Memorandum & Articles of Association.
- 4.2 The Board of Trustees may make arrangements for the exercise of any of its functions by a committee or sub-committee consisting of Trustees; supported by officers of the Hospice provided that any decisions made in sub-committee is consistent with the Terms of Reference authorised by the Board of Trustees in full session.
- 4.3 The following powers are reserved to the Board of Trustees or a sub-committee acting within the Terms of Reference authorised by the Board.

Powers Reserved to the Board of Trustees	
1	Regulation & Control
1.1	Approval of the schedule of matters reserved to the Board and Standing Financial Instructions for the regulation of its proceedings and business
1.2	Requiring and receiving the declaration of Trustees' interests which may conflict with those of the Hospice and determining whether the trustee may remain involved with the matter under consideration.
1.3	Approval of the disciplinary procedure for employees of the Hospice and for arrangements for dealing with complaints.
1.4	Adoption of the organisation structures, processes and procedures to facilitate the discharge of business by the Hospice, and to agree substantial modifications thereto.
1.5	To confirm the recommendations of the Hospice's sub-committees where the committees do not have executive powers and to establish terms of reference and reporting arrangements of all sub-committees.
1.6	The appointment and dismissal of sub-committees and the appointment of members of any sub-committee.
2.	Policy Determination
2.1	Definition of the aims and objectives of the Hospice and to ensure that these are accurately reflected within the Hospice's Memorandum & Articles of Association.
2.2	The definition of the Hospice's overall strategy and to approve medium term plans which set out how the strategy is to be achieved.
2.3	The approval of the Hospice's annual budget constructed in order to deliver the aims set out in 2.2 above.
2.4	The approval and monitoring of the Hospice's policies and procedures for the management of risk.



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3.	Direct Operational Decisions & Actions
3.1	Acquisition and disposal of land and/or buildings and the approval of any new lease or rental agreement.
3.2	The opening or discontinuation of any new retail or trading entity in order to support the Hospice's overall fundraising activities.
3.3	Approval of the opening or closing of any bank or investment account.
3.4	Approval of individual contracts of a capital or revenue nature and the approval of losses, write offs and compensation payments.

5. Operation of Hospice Bank Accounts and Authorisation of Payments

- 5.1 The Board of Trustees will ensure that the Hospice maintains, and regularly reviews, a list of people who are authorised to sign off payments or draw down funds from the Hospice's portfolio of investments.
- 5.2 In order to minimise the risk of fraud or misallocation of funds the Hospice will operate a 'dual key' system of authorisation with any payment run being signed off by an internal officer of the Hospice and a nominated Trustee from the list of authorised signatories set out in 5.5.
- 5.3 Any draw down of funds from the Hospice portfolio of investments must be consistent with the cash flow plans set out in the annual budget endorsed by the Board of Trustees. In these circumstances the Trustees who are authorised to approve investment draw-downs are set out in 5.6 below. Where, for whatever reason, investment draw-downs are required which have not previously been provided for in the annual budget this would therefore involve an alteration to the approved budget and would require an amendment to the budget to be authorised by the Board of Trustees on the recommendation of the Finance Committee
- 5.4 Members of staff within the finance function will be responsible for the processing of payments and compiling the documentation for any drawn down of investments in order that these can be appropriately authorised.
- 5.5 The list of authorised signatories for the approval of payment runs via the Hospice internet banking system is as follows:

Internet Banking authorisation list – authorised signatories	
Board of Trustees	Officers of Hospice
Alan Bell - Chairman	Karen Griffiths
Peter Stapleton – Chair Finance Committee	Maureen Georgiou
Dr. Pat Webster	Jenny Baynham
Peter Wisher	Tom Moody

The following members are authorised to sign cheques on behalf of the Hospice:



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Cheque payments – authorised signatories	
Board of Trustees	Officers of Hospice
Alan Bell - Chairman	Karen Griffiths
Peter Stapleton – Chair Finance Committee	Maureen Georgiou
Andrew Horwich	Jenny Baynham
Dr. Pat Webster	Tom Moody

- 5.6 The members of the Board of Trustees authorised to approve draw-down of funds from the Hospice investment portfolio are as follows:

Investment draw-down – authorised signatories
Alan Bell – Chairman
Peter Stapleton – Chair Finance & Business Development Committee
Dr. Pat Webster
Andrew Horwich
Karen Griffiths – Chief Executive

6. Internal Scheme of Delegation

- 6.1 With the exception of those powers Reserved to the Board the Hospice Chief Executive holds delegated authority for services provided by the Hospice and for ensuring that these services are provided within the financial framework approved by the Board of Trustees.
- 6.2 The Chief Executive, supported by the Finance Manager, will ensure that budgetary responsibility within the Hospice is operated in accordance with the annual budgetary framework approved by the Board of Trustees. The Chief Executive may delegate the management of a budget to permit the performance of a defined range of activities to delegated budget holders whilst retaining ultimate responsibility for the performance of the overall financial framework.
- 6.3 The Finance Manager will have responsibility for ensuring that all delegated budget holders receive regular, monthly budget reports. The Finance Manager will ensure that all budgetary variances are highlighted to, and corrective measures discussed with, all delegated budget holders. Any unresolved adverse variances are to escalate by the Finance Manager to the Chief Executive.
- 6.4 It is a clear expectation of the budgetary control process that all delegated budget holders must not exceed the full financial year’s budgetary totals limits set out within the Annual Budget adopted by the Board of Trustees; unless additional spend has been authorised by the Hospice Finance Committee.
- 6.5 The Chief Executive will personally act as prime budget holder for the following budgets:



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Budgets managed by the Chief Executive
<ul style="list-style-type: none">• Central income budget<ul style="list-style-type: none">• NHS grant & other related income streams• Central & corporate management budgets<ul style="list-style-type: none">• Finance• Human Resources• Information Technology• Facilities Management

6.6 The Chief Executive will delegate management responsibility for all clinical and support services to the Director of Nursing & Patient Services. The post-holder will be responsible for ensuring that these services comply with all relevant statutory and regulatory requirements.

6.7 The Director of Nursing & Patient Services will also perform the role of Deputy Chief Executive and will act as Registered Manager for the Hospice.

6.8 The Director of Nursing & Patient Services will have delegated responsibility for the following budgets on behalf of the Chief Executive.

Budgets managed by the Director of Nursing & Patient Services
<ul style="list-style-type: none">• Medical budget• In-patient unit budget• Well Being Team budget<ul style="list-style-type: none">• Day care services• Family Support service• Lymphoedema service• Clinical Admin Team budget• Housekeeping budget<ul style="list-style-type: none">• Catering• Cleaning

6.9 The Senior Manager – Business Development (Marketing & Retail) shall be responsible on behalf of the Chief Executive for the financial performance of the Hospice's retail operations and the individual retail units. The income targets for this function will be established as part of the annual budget setting process and the Senior Manager – Business Development



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(Marketing & Retail) holds the delegated responsibility for the delivery of the established income target. It is anticipated that the Senior Manager – Business Development (Marketing & Retail) will advise the Chief Executive and the Board of Trustees as to any corrective actions necessary to achieve the agreed income target for the retail function.

- 6.10 The Senior Manager – Income Generation & Business Development shall be responsible on behalf of the Chief Executive for the financial performance of the Hospice’s fundraising function. Again, the income targets for this function will be established as part of the annual budget setting process and the Senior Manager – Income Generation & Business Development will provide the Chief Executive and the Finance Committee with regular updates as to whether the total income target set out within the annual budget is expected to be achieved.

7. Accountability Framework

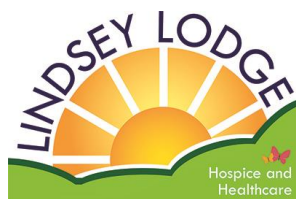
- 7.1 For all operational decisions which are not set out as matters reserved in section 4.3 above the Chief Executive is accountable to the Board of Trustees for the performance of the Hospice and the delivery of targets set out in the Hospice’s in-year and medium-term plans.
- 7.2 The delegated budget holders set out above will be accountable to the Chief Executive for the performance of their respective spheres of control. The forum which the Chief Executive will use for performance management will be via the Senior Management Team made up of the Chief Executive and the delegated budget holders set out within this documented supplemented with the Hospice Medical Director, Finance & Human Resource Managers.

References:				
Owner/Author/Contact: Mike Rocke				
Approving body: Finance & Business Development Committee				
Date of ratification:				
Review Interval: 2 years				
To Be reviewed	Review completed	By	Approved By	Circulation
December 2020	January 2021	Finance	Board of Trustees March 2021	L:/Policies & Guidelines
December 2022				



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Appendices – Terms of Reference of the Board of Trustees and all Sub-Committees



Board of Trustees Meeting

Terms of Reference

1. The Board

The Board of Trustees provides the ultimate body by which the decisions relating to the governance of the company and the services provided within the Hospice is conducted. The powers, responsibilities and business procedures of the Board of Trustees are set out in the Articles of Association.

The Board of Trustees shall decide and will act in accordance with any legislation, regulation or direction issued under the terms of the Articles of Association and may review both its own terms of reference and those of its sub-committees which report to it in order to ensure that the Hospice operates a coherent and functioning form of integrated governance.

2. Role and Responsibilities

The Articles of Association sets out that the Board of Trustees will exercise overall supervision and control on behalf of the Hospice by:

Board of Trustees – overall responsibility
<ul style="list-style-type: none"> ● formulating the Hospice strategy ● ensuring that the strategy is embedded within a medium term plan which the Hospice Chief Executive is directed to deliver ● ensuring that annual budgets are constructed within a framework consistent with the medium term direction ● ensuring that the Hospice maintains a robust internal governance framework which focuses on high quality patient care and safety, minimisation of risk within an affordable and sustainable financial envelope ● ensuring that the Hospice meets all the relevant statutory and regulatory requirements

The meeting agenda and the frequency of meetings, for the Board of Trustees will be constructed in such a way in order to allow the above responsibilities to be discharged.

3. Sub-Committee Structure

The Board of Trustees is responsible for establishing an effective system of integrated governance in order to ensure that the responsibilities set out above receive adequate debate and scrutiny prior to formal adoption by the Board of Trustees. The foundation for this will be the construction of network of sub-committees comprising of, and chaired by, members of the Board of Trustees who will individually take a lead in discrete elements of the business of the Hospice.



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The sub-committees which the Board of Trustees have constructed in order to provide direction and oversight in their respective sphere of responsibility are as follows:

Board of Trustees – Sub-Committee structure	
Sub committee	Sphere of responsibility
Finance & Business Development Committee	The provision of internal and external assurance relating to all aspects of financial and business management. The Committee will ensure that financial governance arrangements are regularly reviewed in order to ensure that the Hospice's operates a robust internal control process.
Workforce Committee	The oversight of all aspects of the Hospice's workforce activities in order to ensure that the workforce is effective, well-led and safe. The Committee will regularly review terms & conditions offered to Hospice employees in order to ensure that they meet statutory requirements.
Quality Assurance Committee	The provision of clinical and non-clinical oversight in order to ensure that the Hospice's services are clinically safe, effective and secure. The Committee will review the clinical, activity & safety metrics which are regularly produced and advise the Board on any corrective measures which may be necessary.

The Board of Trustees will regularly review the scope and fitness for purpose of the above sub-committee structure in order to ensure that they provide sufficient oversight of the nature of the Hospice's services, and the respective risks faced in providing them, as these evolve over time.

4. Membership of the Board of Trustees

The Articles of Association set out the process by which Trustees are appointed and the anticipated length of office. The Board of Trustees will regularly review the skills, experience and specialisms of Trustees in order to ensure that the Board can adequately discharge the responsibilities set out in section two above.

5. Chair of the Board

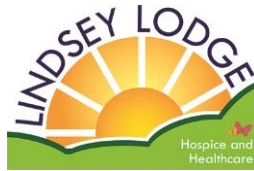
The Chairman of the Board of Trustees shall be appointed in accordance with the provisions set out in the Articles of Association.

6. Meetings

The Board of Trustees shall meet at least four times per year. One of these meetings must be an Annual General Meeting in accordance with the Articles of Association.



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Finance and Business Development Committee

Terms of Reference

The Committee

The Finance and Business Development committee shall have delegated powers and be subject to those conditions that the Board of Trustees shall decide and will act in accordance with any legislation and regulation or direction issued by the Board of Trustees. The Finance and Business Development group reports to the Board of Trustees.

1. Role and Responsibilities

The role of the committee is to provide assurance to the Board of Trustees that Lindsey Lodge Hospice is appropriately governed and well managed across the full range of financial and business activities and to provide internal and external assurance relating to financial and business management by:

- reviewing the establishment and maintenance of effective systems of financial governance
- ensuring compliance with all applicable legal and regulatory requirements
- ensuring that risk management and internal control is appropriate and of the highest standard
- ensures that financial and business procedures are sound and in accordance with any legal requirement
- advising on income and expenditure in order that positions are well understood as will contribute to the overall quality of the service
- reporting after each meeting to the Board of Trustees
- reviewing the establishment and maintenance of effective systems of financial monitoring
- ensuring that the Hospice's external contractors (payroll, EPoS etc) perform their role as set out in the agreed contractual terms
- monitoring the financial performance of the organisation
- preparing and presenting the financial plans to the Board of Trustees
- recording changes on accounting policies
- developing a strategy for investment income and monitoring and reporting on investment performance
- ensuring that internal audit is consistent with the governance needs of the organisation
- evaluating the case for new business opportunities
- developing the annual business plan for the Hospice
- ensuring that the capital stock is fit for purpose
- overseeing the implementation of new developments



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2. Membership of the Committee

The committee shall be comprised of at least three Trustees, the Finance Manager, the Director of Business Development, the Chief Executive, the Director of Nursing and Patient Services and Medical Director. Other staff may be invited to attend by the chair.

3. Quorum

The quorum shall be three members of the committee but must always include two members of the Board of Trustees.

4. Chair of the Committee

The Chair of the committee shall be a Trustee selected by the Board of Trustees. In their absence their place shall normally be taken another trustee who is already a member of the committee.

5. Meetings

The Finance and Business Development Committee shall meet at least four times per year. The Chair may at any time convene additional meetings of the committee to consider business that requires urgent attention.

6. Notice of meetings

Meetings of the Finance and Business Development Committee shall be called at the request of the Chair. Notice of each meeting, including an agenda and supporting papers shall be forwarded to each member of the committee not less than five working days before the date of the meeting.

7. Reporting to the Board of Trustees

The minutes of each meeting of the Finance and Business Development Committee shall be reported to the next meeting of the Board of Trustees. The chair shall draw to the attention of the board any issues that require disclosure or require executive action, together with reports of particular interest or importance completing a Highlight Report. The Chair will report at the AGM.

8. Terms of Reference

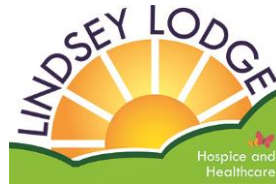
The committee must review and update these terms of reference at least every two years.

9. Authority

The committee is authorised by the Board of Trustees to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee or outside agency, and all employees are directed to co-operate with any request made by the committee.



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Workforce Committee

Terms of reference

The Committee

The Workforce Committee shall have terms of reference and powers and be subject to those conditions that the Council of Management shall decide and shall act in accordance with any legislation and regulation or direction issued by the Council of Management.

The Workforce Committee reports to the Council of Management.

1. Role & Responsibilities

The role of the committee is to provide assurance to the Council of Management that Lindsey Lodge Hospice is appropriately governed and well managed across the full range of workforce activities and to provide internal and external assurance relating to human resources management by:

- ensuring that human resources policies are legal, reasonable and updated regularly
- ensuring compliance with employment law
- reviewing staff grades, salaries and job descriptions
- agreeing increments and cost of living updates
- ensuring that reviews and appraisals take place
- dealing with terms and conditions of employment
- advising and contributing to the management of staff disciplinary and grievance matters.
- advising and contributing to matters regarding sickness
- reporting after each meeting to the Council of Management
- reviewing the establishment and maintenance of effective systems of human resources management
- ensuring suitability of staffing including learning, development and oversight of professional standards
- ensuring the establishment and maintenance of quality governance, risk management and internal control, relating to staff experience
- agreeing ex-gratia payments to staff as and when deemed appropriate

2. Membership of the Committee

The committee shall comprise three Trustees, one of whom shall be the HR representative, also the Chief Executive and Human Resources Officer.

Other directors and other officers may be invited to attend by the Chair, particularly when the committee is discussing an issue that is the responsibility of that director or staff member.

3. Quorum

The quorum shall be three members of the committee, one member to be a trustee.



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4. Chair of the Committee

The Chair of the committee shall be a Trustee selected by the Council of Management. In their absence their place shall normally be taken by another member of the group, with the exception of the Chief Executive.

5. Meetings

The Workforce Committee shall meet at least four times per year. The Chair may at any time convene additional meetings of the committee to consider business that requires urgent attention.

6. Notice of meetings

Meetings of the Workforce Committee shall be called at the request of the Chair. Notice of each meeting, including an agenda and supporting papers shall be forwarded to each member of the committee not less than five working days before the date of the meeting.

7. Reporting to the Council of Management

The minutes of each meeting of the Workforce committee shall be reported to the next meeting of the Council of Management. The Chair shall draw to the attention of the Council of Management any issues that require disclosure or executive action, together with reports of particular interest or importance completing a highlight report. The Chair will report at the AGM.

8. Terms of Reference

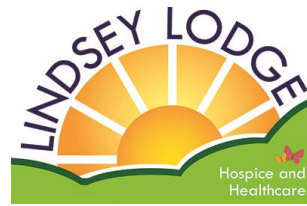
The committee must review and update these terms of reference every two years.

9. Authority

The committee is authorised by the Council of Management to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee, and all employees are directed to co-operate with any request made by the committee.



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Quality Assurance Committee

Terms of Reference

The Committee

The Quality Assurance Committee shall have terms of reference and powers and be subject to those conditions that the Hospice Board shall decide and shall act in accordance with any legislation and regulation or direction issued by the Hospice Board. The Quality Assurance committee reports to the Hospice Board.

1. Role and Responsibilities

The role of the committee is to provide assurance to the Hospice Board that Lindsey Lodge Hospice is appropriately governed and well managed across the full range of activities and to provide internal and external assurance relating to quality management by:

- reviewing the establishment and maintenance of effective systems of quality governance
- ensuring compliance with all applicable legal and regulatory requirements, in particular those of CQC
- ensuring that risk management and internal control is appropriate and of the highest standard
- advising and contributing to the overall quality of the service
- reviewing the establishment and maintenance of effective systems of quality monitoring
- monitoring all aspects of patient experience, safety and effectiveness including personalised care, treatment and environment
- monitoring safeguarding issues
- monitoring the recording and management of incidents, concerns and complaints
- ensuring that internal audit is consistent with the governance needs of the organisation
- reviewing related activity and data
- ratifying relevant policies and guidelines
- reporting after each meeting to the Hospice Board.

2. Membership of the Committee

The committee shall be comprised of at least three Trustees of the Board, the Chief Executive, Medical Director, Director of Nursing and Patient Services and one senior member of each team or their deputies i.e. in-patient, day care, therapy, medical, fundraising, housekeeping, voluntary, IT and facilities.

A volunteer representative will be invited to support impartial, objective challenge and support. Other trustees and staff may be invited to attend by the chair, particularly when the committee is discussing an issue that is the responsibility of that director or staff member.



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3. Quorum

The quorum shall be six members of the committee but must always include two Board Trustees, the Chief Executive or Deputy Chief Executive and three operational team staff.

4. Chair of the Committee

The Chair of the committee shall be a Trustee selected by the Hospice Board. In their absence their place shall normally be taken by either the Medical Director or Chief Executive/Deputy Chief Executive.

5. Meetings

The Quality Assurance Committee shall meet at least four times per year. The Chair may at any time convene additional meetings of the committee to consider business that requires urgent attention.

6. Notice of meetings

Meetings of the Quality Assurance Committee shall be called at the request of the Chair. Notice of each meeting, including an agenda and supporting papers shall be forwarded to each member of the quality assurance committee not less than five working days before the date of the meeting.

7. Reporting to the Hospice Board

The minutes of each meeting of the Quality Assurance Committee shall be tabled for information at the next meeting of the Hospice Board. The chair shall draw to the attention of the Board any issues that require disclosure or require trustee action, together with reports of particular interest or importance. A Highlight Report will be tabled and discussed by the Chair at Board meetings. The Chair will report at the AGM.

8. Terms of Reference

The committee must review and update these terms of reference every two years.

9. Authority

The committee is authorised by the Hospice Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee or outside agency, and all employees are directed to co-operate with any request made by the committee.