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| ONR Framework Document  Scheme of Delegation |



ONR Framework Document

Scheme of Delegation

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| Issue No. | Date | Details of Change(s): |
| --- | --- | --- |
| 1 | March 2018 | * Fundamental review and restatement of financial controls, delegations, and extant regulations. |
| 2 | February 2019 | * Remove references to Accounting Officer * Replace ‘Executive Management Team’ (EMT) with ‘Senior Leadership Team’ (SLT). * Replace ‘Regulatory Management Team’ (RMT) with ‘Regulatory Leadership Team’ (RLT) |
| 3 | July 2020 | * Removed references to ‘support’ directorates * Added references to ‘Commercial Governance Framework’ and ‘Accession Agreement’ updated to reflect new Board Committee structure * Updated to reflect financial delegations for Head of Finance and Commercial * References to ‘Finance Director’ updated to ‘Deputy Chief Executive and Finance Director’ (DCE&FD). * Included CNI responsibilities in respect of safeguards. * Some additional information on DWP and BEIS ministerial responsibilities. |
| 4 | June 2021 | * Addresses ONR’s new leadership changes effective from 01 April 2021 (DCE and EDO) and from 01 June 2021 (CE/CNI) * Streamlining of financial control arrangements * Streamlining of the document, removal of repetition. Reconfiguration of document flow * Introduction of new ONR document template and design Introduction of revised delegated financial authorities * Introduction of revised procurement and contract award authorities |
| 5 | July 2023 | * The new leadership structure / titles changes * The change from BEIS to DESNZ * The simplified approach to issuing letters of delegation. * Alignment to the draft DWP/ONR Framework Document * Removal of duplication. * Minor changes to Board Committee responsibilities to reflect changes to their Terms of Reference (approved by the Board June 2022). * Comments from directors, including the Finance Directorate on Part 2 - Financial Delegations. |
| 5.1 | October 2023 | * Minor update |

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# Introduction

1. Delegation creates the authority to carry out a task or to make a decision.   
   This in turn creates responsibilities and the requirement that people to whom authority is delegated are prepared to be accountable for the decisions they have been asked to make. Anyone who makes a decision must be confident that they know and understand the scope of their authority.
2. This scheme of delegation sets out:
3. Who has authority to make decisions in ONR;
4. The decisions reserved to the Board and those which the Board has delegated (Part 1);
5. The role of those with Delegated Financial Authority (DFA), financial delegations and financial approval limits (Part 2);
6. The corporate responsibilities which the chief executive/chief nuclear inspector (CE/CNI) has delegated (Part 3); and
7. The regulatory responsibilities which the CE/CNI has delegated (Part 4).

## Accountability, variation, ownership, and review of the scheme

1. Those individuals delegating powers remain accountable for the exercise of those powers.
2. Variations to **Part 1** will be approved by the Board and any deviation from it must be approved by the Board, with such deviations being reported to the next Board meeting.
3. Variations to **Part 2** may be approved by the CE/CNI in consultation with the Deputy Chief Executive (DCE) and the Finance Director (FD). The CE/CNI will decide which matters should be reported to the Board or Audit and Risk Assurance Committee (ARAC).
4. Variations to **Part 3** may be approved by the CE/CNI in consultation with the DCE.
5. Variations to **Part 4** may be approved by the CE/CNI in consultation with the Executive Director of Regulation (EDR) within the provisions of the relevant legislation.
6. For administrative purposes, the Head of Corporate Governance and Compliance, on behalf of the Board, is the owner of the scheme of delegation and is responsible for ensuring an annual review of the scheme, submitting any proposed changes to the Board or the CE/CNI as appropriate. However, the scheme will be updated as often as is necessary to ensure it remains current.

## High-level principles of delegation

1. The primary principle of delegation is that the person delegating remains accountable for the function which they may choose to delegate.   
   Therefore, when delegating authorities, the Board and the CE/CNI must assure themselves that what they have delegated is being discharged properly. In ONR this is executed through the provision of information and reports to the Board and its Committees and other internal reporting mechanisms as appropriate.
2. Any functions which the Board has delegated can be reassumed by the Board if it decides to do so. Similarly, any functions which the CE/CNI has delegated can be reassumed by them if they should so decide. With the exception of regulatory functions, if it chooses to do so, the Board can make a decision on a specific issue irrespective of the fact that it may have already delegated that authority.
3. Powers are delegated on the understanding that those to whom powers are delegated exercise those powers in the way intended and do not use their powers in a way which might be a cause for public concern, or which might have an adverse impact on the reputation of ONR.
4. Other key principles of delegation which ONR applies are as follows:
5. Authority to make decisions should be aligned with the skills needed to make relevant judgements. This will enable ONR to maximise efficiency and effectiveness and empower staff, supporting their development and making the best use of their skills with authorities delegated appropriately to support this.
6. The scheme of delegation must be published on our website so that we can demonstrate transparency around its decision making.
7. Staff must be clear about what decisions have been delegated to them, the limits of their authority, and that they are accountable for the decisions they make. The role holder making the decision may seek advice on information from other staff with knowledge relevant to the decision and should do so when necessary.
8. Staff who are responsible for taking a decision may commission reports or seek information from relevant staff to inform their decision making.

## Delegated authorities and responsibilities

1. ONR was established, under the Energy Act 2013, as an independent statutory body to support the government’s strategic aims and objectives for nuclear regulation. Its statutory functions are assigned by the Energy Act 2013 to ONR as a body corporate which, in practice, is to the ONR Board.   
   It operates within a [framework document](https://www.onr.org.uk/documents/2018/onr-dwp-framework-document-oct18.pdf) agreed with the Department for Work and Pensions (DWP) [1].

### Ministerial responsibilities

1. The Energy Act 2013 and more specifically the DWP/ONR Framework Document set out arrangements of the respective DWP Ministerial responsibilities for ONR, which are as follows:
2. The Secretary of State for Work and Pensions - ONR governance, finance, and performance in relation to conventional health and safety.   
   As a Public Corporation, ONR operates at ‘arm’s length’ from central government. ONR has substantial day to day operating independence. DWP has specific responsibility to appoint Non-Executive Board members, approve the remuneration and terms and conditions for any co-opted Board or Committee members; approve certain strategies, plans, accounts, and financial commitments, including loans and borrowing money. DWP also approves any Approved Code of Practice proposed by ONR.

#### Other ministerial responsibilities are as follows:

1. **The Secretary of State for the Department for Energy Security and Net Zero (DESNZ)** - The Energy Act 2013, which includes ONR’s powers and obligations, underpins our relationship with DESNZ. DESNZ responsibilities cover UK civil regulatory framework and policies, including policy direction, security and safeguard obligations and the direct responsibility to appoint the ONR Non-Executive Board member for Security.
2. **The Secretary of State for Defence** - is accountable to Parliament for nuclear safety and security at nuclear sites operated wholly or mainly for defence purposes.

## Letters of delegation

1. The delegated responsibilities throughout ONR are underpinned and supported by annual letters of delegation from the CE/CNI to the DCE and EDR, who will then, as appropriate, issue more streamlined letters of delegation to their directors. The CE/CNI will also issue letters of delegation to senior responsible officers (SROs) who deliver ONR’s portfolio of change activity at the respective project’s inception i.e. once the project mandate has been approved; these will cover the duration of the project. Any further delegations will be in line with this scheme of delegation and only need to be documented by exception.
2. Letters of delegation are distributed in April each year, for the forthcoming financial year. They will typically include the following areas and are designed to be executed alongside the scheme of delegation:
3. Corporate responsibilities and specific delegations
4. Budget delegation and budget management
5. Internal control arrangements and areas of focus
6. Assurance on delegated authority
7. If the letter of delegation is not prepared and issued by 01 April of the current financial year, it is assumed that the principles within the previous letter of delegation will uphold until the current letter is issued.

## The ONR Board

1. The Energy Act 2013 prescribes the composition of the ONR Board, allowing for a maximum of seven non-executive members, and four executive members. More details are recorded in our [Corporate Governance Framework](https://www.onr.org.uk/documents/corporate-governance.pdf) [2].
2. The Energy Act 2013 permits the Board to delegate certain functions to ONR employees. The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance, and internal control. The Board must set up an Audit and Risk Assurance Committee (ARAC) chaired by a non-executive member to provide independent advice.   
   The Board is expected to assure itself of the effectiveness of the internal control and risk management systems. The Board may also appoint other standing committees to support its work and may delegate matters to those standing committees.
3. The Board is specifically responsible for:
   1. Establishing and delivering ONR’s strategic aims and objectives consistent with its overall strategic direction and within the agreed government policy and resources framework approved by the Secretary of State;
   2. Ensuring that the responsible minister is kept informed of any changes which are likely to impact on ONR’s strategic direction or on the attainability of its targets, and determining the steps needed to deal with such changes;
   3. Ensuring that ONR complies with any statutory or administrative requirements for the use of public funds, ensuring that it operates within the limits of its statutory authority and any delegated authority agreed with DWP, in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the ONR Board takes into account guidance issued by DWP;
   4. Ensuring executive Board members provide regular financial information concerning the management of ONR so the Board can be assured that its decisions take into account all relevant financial considerations.   
      It should also ensure that the executive informs the Board in a timely manner of any concerns about the activities of ONR; so that it can provide positive assurance to DWP that appropriate action has been taken on such concerns;
   5. Ensuring that it formally seeks DWP approval for any expenditure over £500 which it considers to be novel, contentious or repercussive; demonstrating and ensuring high standards of corporate governance and probity at all times, including by using the ARAC to help the Board address key financial and other risks;
   6. Ensuring that effective arrangements are in place to provide assurance that ONR is providing efficient and effective regulation of the nuclear industry, holding it to account of behalf of the public:
   7. Appointing the Chief Executive and the Chief Nuclear Inspector, or a joint CE/CNI, subject to ministerial approval and setting performance objectives for the CE/CNI; and
   8. Proposing the CE/CNI’s remuneration, which must be agreed by the responsible minister, after consulting the Chief Secretary to the Treasury where required.
4. The Chair and non-executive members of the ONR Board are not responsible for regulatory decisions such as issuing, revoking, or amending nuclear licenses. Responsibility for these decisions has been delegated by the Energy Act 2013 to the CE/CNI who, in turn, may sub-delegate such decisions to suitably skilled, qualified and experienced staff.

### Authority to appoint

1. The non-executive Board members, including the chair are appointed by the Secretary of State for Work and Pensions. The Secretary of State for the Department for Energy Security and Net Zero (DESNZ) appoints the non-executive Board member with the responsibility for Security[[1]](#footnote-2).
2. The Board has the authority to appoint the CE and the CNI, with the approval of the Secretary of State for Work and Pensions, in consultation with the DESNZ Minister. This includes the option to have one combined role as CE/CNI. The Principal Accounting Officer in the Department for Work and Pensions (DWP) designates the responsibilities to the CE/CNI.

### Long-term absence

1. In the event of long-term absence of the CE/CNI, the ONR Board will appoint an Acting CE/CNI, which will also additionally require the approval of the Minister of State.

## The Chief Executive/Chief Nuclear Inspector

1. As the lead executive of ONR, the CE/CNI is appointed by the Board subject to ministerial approval. The Board has the right to delegate authority to the CE/CNI for all the statutory and corporate functions of ONR, including all executive management matters, day-to-day management decisions and the implementation of ONR’s strategic and corporate plans.
2. The responsibilities delegated to the CE/CNI are set out in the DWP/ONR framework document, including their responsibilities for following the principles and rules set out in HM Treasury’s “[Managing Public Money](https://www.gov.uk/government/publications/managing-public-money)” (MPM) [3].
3. The CE/CNI as Accounting Officer equivalent is personally responsible for safeguarding the public funds for which they have charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of ONR.   
   In addition, they should ensure that ONR as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management as set out in Managing Public Money. If required, the CE/CNI will give evidence before the Public Accounts Committee on ONR’s stewardship of public funds.
4. The CE/CNI has personal responsibility for ensuring that ONR uses internal audit to provide assurance on our internal controls as our third line of defence.
5. The CE/CNI is the authoritative regulatory head of ONR and, for the purposes of nuclear regulatory decisions only, retains regulatory independence from the Board. However, whilst the Board is not responsible for taking regulatory decisions, the CE/CNI must assure the Board on a regular basis that ONR is meeting its regulatory priorities, and making sound and timely regulatory decisions. The CE/CNI can delegate the exercise of regulatory functions to warranted nuclear inspectors within the provisions of the relevant legislation.

### Matters designated to the Chief Executive/Chief Nuclear Inspector

1. The CE/CNI holds responsibility for some specific functions and must personally discharge the following duties that cannot be delegated:
2. sign ONR’s Annual Report and Accounts, comprising the annual report, and the governance statement.
3. In addition to those areas captured in paragraph 11, the CE/CNI is also personally responsible for ensuring that ONR operates effectively and to a high standard of probity in respect of:
4. ensuring that effective procedures for handling complaints about ONR are established and made widely known within ONR and to the public.
5. management of opportunity and risk to achieve the right balance commensurate with ONR’s business and risk appetite.

## The Deputy Chief Executive (DCE)

1. The CE/CNI will delegate responsibility and authority to the DCE as is appropriate and necessary for the organisation to operate effectively.   
   The principal responsibilities of the DCE are to:
2. Provide strategic leadership of the organisation across a diverse portfolio of corporate activity;
3. personally lead corporate services directorates to deliver strategic intent coherently, effectively, and efficiently and
4. ensure delivery of aligned strategic, corporate and directorate planning, budgeting and corporate services organisational effectiveness indicators.

## The Executive Director of Regulation (EDR)

1. The CE/CNI will delegate responsibility and authority to the EDR as is appropriate and necessary for the organisation to operate effectively.   
   The principal responsibilities of the EDR are:
2. Provide strategic leadership of the organisation across a diverse portfolio of regulatory activity;
3. lead the regulatory directorate to deliver strategic intent coherently, effectively, and efficiently, ensure effective evidence based nuclear regulation and
4. lead contact point for senior industry liaison.

# **Part 1**: Matters reserved to the ONR Board or delegated by the ONR Board

1. ONR’s Corporate Governance Frameworkdocument sets out the Board’s responsibilities and its delegated functions and summarises the matters which the Board has reserved to itself and those which it has decided to delegate.   
   In essence, the Board has retained all those decisions which are strategic in nature and has delegated some corporate governance matters to its committees and those matters which are operational to the appropriate staff within ONR.
2. The Board exercises its power corporately. No individual member of the Board may take executive action as a Board member (the CE/CNI, DCE, EDR and FD are executive members of the Board, but as Board members are also bound by its corporate responsibility). In an emergency, the functions which the Board has reserved to itself for decision may be exercised by the Chair, after having consulted with one other Board member (executive or non-executive). The Chair should then report any such decisions made or actions taken to the next Board meeting for ratification, with an explanation of why the emergency decision/action was taken.

**Appendix 1 to this document provides full details of the matters reserved by the Board.**

**Appendix 2 to this document provides full details of matters delegated by the Board to Committees or individuals.**

## Matters delegated to the Board Committees

1. The Board maintains three standing committees. The Terms of Reference for each of them are maintained within the ONR Corporate Governance Framework document [2]. The committees are as follows:
2. **Audit and Risk Assurance Committee (ARAC)** has the remit to ensure that all necessary assurances can be provided to the Board and CE/CNI. The Committee is responsible for providing assurance to the Board on the maintenance of appropriate and adequate audit processes, for the governance of the internal audit and external audit programmes and has oversight of ONR’s risk management processes. It makes recommendations to the Board on the appointment and dismissal of internal audit services.
3. **Remuneration and Resilience Committee (RRC)** has oversight of all matters relating to the remuneration and performance of executive Board members and the framework for Senior Civil Servant (SCS) equivalent staff. It is responsible for making recommendations to the Board and the sponsorship team (for ministerial approval) on the appointment of the CE/CNI. It takes a strategic approach to succession planning for the Board and has an oversight of the approach for the wider organisation.
4. **Security Committee (SC)** is responsible for examining the ONR Annual Review of Security Report to provide assurance to the Board that ONR is providing efficient and effective regulation of the nuclear industry with respect to security threats and malicious intent, holding it to account on behalf of the public. The Committee also discusses topics of security relevance to ensure it can make informed recommendations with regard to the Annual Review of Security and security regulation in general.

## Matters delegated to the Chief Executive/Chief Nuclear Inspector

1. The Board has delegated the statutory and corporate functions of ONR to the CE/CNI. The CE/CNI is accountable for the operation of ONR. They can and do delegate responsibility for certain matters to their staff, and also give authority to carry out certain activities on their behalf, as well as financial authorities.   
   These are set out in **Appendix 3 and 4** respectively.
2. In accordance with paragraph 18 of Schedule 7 of the Energy Act 2013, the CE/CNI is authorised to carry out all the regulatory functions of ONR, which consist of the exercise of a regulatory function in a particular case.   
   The CE/CNI also has the authority to delegate certain regulatory functions to warranted staff within ONR. These are set out in **Appendix 5.**
3. The CE/CNI requires that those to whom authority to make decisions has been delegated to, will do so in accordance with their letter of delegations or this scheme, and in consultation with colleagues where appropriate. Those who have delegated responsibilities from the CE/CNI may sub delegate those responsibilities as considered appropriate, in accordance with the principles of delegation and this scheme.

## Security, information governance, and data protection

1. The CE/CNI delegates accountability for ONR Security to the DCE, who is responsible for the implementation and maintenance of security standards across the organisation and for ensuring correct procedures and delegations are in place to respond to security incidents.
2. All directors are nominated Information Asset Owners. They are responsible for identifying risks to ONR’s information within their business area and for ensuring that appropriate and proportionate mitigations and risk management strategies are being designed, developed, and implemented.
3. The CE/CNI is responsible for ensuring the appointment of a Data Protection Officer or equivalent, who is tasked with monitoring ONR’s compliance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018 (DPA2018) as outlined in Appendix 2, B28 and Appendix 3, H1 to H5. However, all Career Development Managers (CDMs) within ONR are accountable for ensuring the appropriate processing of personal data within their business areas, ensuring compliance with ONR policies and procedures to demonstrate compliance with the UK GDPR, the DPA2018 and any other personal data/privacy legislation as appropriate. They are also responsible for ensuring their staff fully comply with the requirements under the aforesaid legislation and any ONR policies and practices relating to information governance, data classification and handling. This is formally delegated through the DCE and EDR – refer to Appendix 2 – B21.

# **Part 2**: Financial delegations

## Delegated Financial Authority

1. Financial controls in ONR are consistent with the principles of personal accountability and delegation. The CE/CNI can delegate appropriate financial authority to any member of ONR staff. Normally direct delegations from the CE/CNI will be made to the DCE, the EDR; and where appropriate to the FD.
2. The CE/CNI can also delegate appropriate financial authority to the respective Heads of Corporate Governance and Compliance and Executive Office; and to SROs at the commencement of a project.
3. The DCE and EDR may sub-delegate responsibility in accordance with this scheme. SRO letters of delegation will be issued to the respective SROs on project/programme commencement and, as necessary, on handover should there be a change in SRO mid- project/programme.
4. The CE/CNI is ultimately accountable for effective control of expenditure, and all those in receipt of delegation are responsible for ensuring they act in the best interests of ONR and maintain effective control of expenditure.
5. Those who receive delegated financial authority for a budget allocation are known as budget holders. They have the authority to determine prioritisation of expenditure within their agreed budget allocation to deliver specific activities within their respective functional areas. They are responsible for managing and controlling allocated budgets and expenditure, ensuring that the budget is used only for agreed purposes and complying with the approval procedures in place to commit expenditure.
6. The delegated financial authorities are shown in Table 2.

## Capital expenditure

1. All capital expenditure must be budgeted for in the annual planning round, align with the appropriate and required accounting policies, and will be validated and approved by ONR Board.
2. Details of any delegated capital expenditure responsibilities will align with the Delegated Financial Authorities as specified in Table 2.

Table - Delegated Financial Authorities – Operating and Capital expenditure

|  |  |
| --- | --- |
| Role/ Grade | Approval Threshold\* |
| CE/CNI (informed by DCE/FD)  All expenditure above £3m must be made visible to ONR Board | Above £3m |
| DCE/EDR (and Deputy Chief Nuclear Inspector) | Up to £3m |
| ONR Directors | Up to £1m |
| Head of Function or Regulatory Divisional/Professional Lead\* | Up to £250k |
| Band 2\* (other than Head of Function as referred to above) | Up to £30k |
| Band 3\* | Up to 5k |

\* Within their specified business area and for items within budget for that business area, as agreed with the budget holder.

## Internal control arrangements

1. Each budget holder has authority to commit expenditure as long as it is included within their budget delegation and ONR’s procurement policy and procedures are adhered to. Details can be found on our [website](https://www.onr.org.uk/selling-to-onr/tendering.htm) [4]. The limits of delegated financial authority are confirmed in this scheme.
2. Budget holders must ensure that all expenditure is consistent with ONR’s objectives and represent best value for money. They should also ensure that:
3. Expenditure must not be for central purchasing items for which another directorate has responsibility (for example, IT equipment and consumables, non-regulatory consultancy (for example, management));
4. Expenditure is not dis-aggregated for the purposes of facilitating approval at a lower grade than would be appropriate for the full commitment;
5. All relevant and available options to meet the requirement are considered and evaluated. (for example, use of existing internal or contracted services or in the case of recruitment the use of ONR staff as opposed to contracted support) and
6. ONR Finance Directorate is consulted where there is consideration or concern that the expenditure could be seen to be novel, contentious, or repercussive (refer to [3]).

## 

## Reallocating funds

1. There is flexibility within budget for directors to re-allocate funds, if necessary, across cost centres or to re-allocate balance of funds, for example, across Technical Support Contracts (TSCs). In all cases, any re-allocation must be approved by the Budget Holder and then agreed with the Finance Directorate. The Finance Directorate will then instigate the adjustment. It is the responsibility of budget holders to manage their expenditure budgets within the agreed delegations. They are accountable for all expenditure within their budget allocation as confirmed in their letter of delegation or this scheme. They should not exceed that allocation without prior approval from the FD. (refer to Appendix 3, D3).
2. Any material financial pressures or opportunities (>£100,000) that are forecast or identified in the course of the financial year must be reported to finance in the first instance for inclusion in reports to ONR Executive Team (OET); ONR Directors; and Board.

## Approval to procure goods and services

1. The authority to commit resources does not include the authority to let contracts for the procurement of goods and services. Authorisation levels to commence procurement exercises are shown in Table 3.
2. The authorisation levels have been decided in the context of grade and job role and aligned with the delegated financial authorities described in Table 2 to enable effective and efficient business delivery, whilst ensuring financial decisions are made in line with individual responsibilities and accountabilities.

## Procurement policy and principles

1. In accordance with [Managing Public Money](https://www.gov.uk/government/publications/managing-public-money) [3] and internationally and nationally agreed legal frameworks, the fundamental principle of procurement policy and procedures is that all purchases of goods and services must be based on a value for money case unless there are compelling reasons to the contrary, achieved through competition. Full details can be found in ONR’s [Commercial Governance Framework](https://www.onr.org.uk/documents/corporate-governance.pdf) [2].

Table - Procurement and contract award authorities

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Order/ Contract Value (inc. VAT) | Form of Approval | Form of procurement competition | Budget Approval\* | Contract sign-off |
| Up to £5,000 | Email | Direct Award (one quotation) | B3 or above | Head of Commercial and Procurement |
| £5,001 to £15,000 | New Financial Justification/ Budget Approval Template | Request for Quote (RFQ) (minimum of three quotes from suppliers). | B2 or above | Head of Commercial and Procurement |
| £15,001 to £30,000 | New Financial Justification/ Budget Approval Template | A competition within an appropriate government framework or a Limited Tender (minimum of three proposals from suppliers). | B2 or above (other than Head of Function referred to below) | Head of Finance and Commercial |
| £30,001 to £189,330 | New Financial Justification/ Budget Approval Template | Open tender: a competition within an appropriate government framework or publish on Contracts Finder. | Up to £250k - Head of Function or equivalent Regulatory Divisional/ Professional Lead | FD |
| Above £189,330 (Public Procurement Threshold) | New Financial Justification/ Budget Approval Template | Open tender: a competition within an appropriate government framework or publish on FTS (Find a Tender). | Up to £250k - Head of Function or Regulatory Divisional/Professional Lead | FD |
| Up to £1m ONR Directors | FD |

\*Within their specified business area and for items within budget for that business area.

# **Part 3**: Corporate responsibility delegations

1. Those who have delegated responsibilities from the CE/CNI may sub delegate those responsibilities as considered appropriate, in accordance with the principles of delegation and the delegated authorities set out in **Appendix 3.**

# **Part 4**: Regulatory responsibilities authorised by the Chief Executive/Chief Nuclear Inspector

1. The CE/CNI is the authoritative organisational and regulatory head of ONR. The CE/CNI can delegate the exercise of regulatory functions to warranted nuclear inspectors within the provisions of the relevant legislation and in accordance with Schedule 7 of the Energy Act 2013, which permits ONR to authorise its staff, members, inspectors to do, on its behalf, anything required to be done by the ONR. However, the exercise of regulatory functions can only be delegated to members of ONR staff or inspectors appointed by ONR under section 19 of the Health and Safety at Work Act 1974. This therefore allows the CE/CNI to delegate such functions to executive members of ONR and other members of suitably qualified ONR staff but not to non-executive members of ONR.
2. **Appendix 5** details the regulatory responsibilities delegated to staff by the CE/CNI. Those who have delegated responsibilities from the CE/CNI may sub delegate those responsibilities as considered appropriate, in accordance with the principles of delegation.

# **Appendix 1:** Matters reserved to the ONR Board

Table - Matters reserved to the ONR Board

| A | Function | Frequency | Comments |
| --- | --- | --- | --- |
| A1 | Appointment of CE | As required | Subject to approval by DWP Minister and in consultation with DESNZ  CE and CNI can be a combined post |
| A2 | Appointment of CNI | As in A1 above |  |
| A3 | Appointment of Executive Board members | As in A1 above |  |
| A4 | Approve ONR strategy | Every five years | Joint DWP/DESNZ |
| A5 | Approve other strategies | As necessary | Dependent on nature and level of strategy |
| A6 | Approve Annual Plan and budget | Annually | Joint DWP/DESNZ |
| A7 | Approve Annual Report and Accounts | Annually | Certification of accounts by NAO Comptroller & Auditor General (C&AG) subject to DWP SoS approval |
| A8 | Approve CNI annual report | Annually | N/A |
| A9 | Approve staff terms and conditions | As necessary | Required where any individual staff terms and conditions significantly differ from ONR standard contracts and/or the contents may be deemed novel, contentious or repercussive |
| A10 | Approve Organisational Structure at Executive and Senior Leadership Level | As necessary | DWP/DESNZ/  MOD (for information) |
| A11 | Approve property lease/property purchase | As necessary | DWP/ Government Property Agency |
| A12 | Major legislative decisions[[2]](#footnote-3) | As necessary | DWP or DESNZ[[3]](#footnote-4) |
| A13 | Major, specific decisions (refer to comments box for details) | As necessary | Approval of:   * major projects. * policy advice to Ministers on significant issues. * decisions with a significant public interest. * decisions having a major economic impact. * decisions requiring novel or contentious expenditure over £500; or * novel, contentious or repercussive use of ONR’s formal powers. |
| A14 | Approve ex-gratia and special payments above £500 | As necessary | Classed as potentially novel and contentious  Initial consideration by FD prior to submission to Board.  May need HM Treasury approval |
| A15 | Approve capital investments over £3m. | As necessary | N/A |
| A16 | Approval and signature of Agency Agreements | As necessary | Chair signs on behalf of ONR |
| A17 | Approval of Single Tender Awards and / or purchases over £500 that are novel, contentious, or repercussive. | As necessary | Need for approval assessed by FD. |
| A18 | Appointment of Internal Auditors | As necessary, upon contract expiration | Following approved competitive tender procurement route. |
| A19 | Approval of ONR risk appetite and Risk Management Framework and any in year significant changes | Annually,  amendments as necessary | N/A |

# **Appendix 2**: Matters delegated by the ONR Board

Table - To its committees

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| B | Function | Frequency | Delegation to | Comments |
| B1 | Remuneration for executive directors and staff at senior civil service level | Annually and as necessary | Remuneration and Resilience Committee | In accordance with the DWP/ONR Framework Document |
| B2 | Succession plans for Board / senior posts | As necessary | Remuneration and Resilience Committee | In accordance with the DWP/ONR Framework Document |
| B3 | Ensure senior pay takes account of HM Treasury guidelines. | As necessary | Remuneration and Resilience Committee | In accordance with DWP and HM Treasury [guidance](https://www.gov.uk/government/publications/senior-civil-service-pay-and-reward) [5] |
| B4 | Approval of Annual Audit Plan and any in year significant changes. | Annually, amendments as necessary | Audit and Risk Assurance Committee |  |

Table - To the CE/CNI and executive Board member with no further delegation

|  |  |  |  |
| --- | --- | --- | --- |
| B | Function | Frequency | Comments |
| B5 | Settle legal claims against ONR | As necessary |  |
| B6 | Delivery of Annual Plan/ management of ONR | Continuous |  |
| B7 | Approve capital investments | As necessary | Above £3m CE/CNI  Up to £3m – DCE/EDR |

Table - To CE/CNI with further delegation to DCE and/or EDR

| B | Function | Frequency | Delegation to | Comments |
| --- | --- | --- | --- | --- |
| B8 | All ONR statutory functions (not regulatory functions) | As necessary | DCE and EDR who may sub delegate | NA |
| B9 | Regulatory functions (in a particular case) | As necessary | EDR who may sub delegate to relevant Director of Regulation (DoR) as appropriate |  |
| B10 | Instigate Legal Action (Regulatory) | As necessary | EDR who may sub delegate to relevant DoR as appropriate | N/A |
| B11 | Virement of budgets across main budget headings | As necessary | DCE who may sub delegate to FD | Energy Act 2013 HSWA 1974.  ONR guidance on Access to Solicitor Agents.  ONR / DWP Policy, Process and Accounting Policy for Prosecutions.  ONR procedure for reporting legal risk and mitigations. |
| B12 | Write offs/losses/fruitless payments/bad debts | As necessary | DCE who may sub delegate to FD who may sub delegate to Head of Finance & Commercial | CE/CNI must retain authority for value>£500k (refer to Appendix 4 J1 to J3 for detail) |
| B13 | Signing of contracts | As necessary | FD | Depends on value (refer to Table 3) |
| B14 | Approval of corporate publications | As necessary | DCE | Appropriate to nature of publication |
| B15 | Approval of regulatory reports for publication | As necessary | EDR who may delegate to a DoR |  |
| B16 | Approval and signature of Information Exchange arrangements Memoranda of Understanding, and/or protocols for ways of working with stakeholders | As necessary | DCE who may delegate to Policy and Communications (P&C) Director.  EDR who may delegate to P&C Director | Where monetary value is attached to the MoU, the DCE/ FD must be consulted |
| B17 | Discharging Directions created under the Energy Act 2013 | As necessary | EDR who may delegate to relevant DoR as appropriate |  |
| B18 | Accountability for the implementation and maintenance of security standards and for ensuring correct procedures and delegations are in place to respond to security incidents | As necessary | DCE who may delegate operational and tactical delivery to the Chief Information Security Officer (CISO) |  |
| B19 | Assurance that the organisation meets the requirements set out in the Security standard | As necessary | CE/CNI who may delegate Senior Officer Accountable for Security (SOAS) responsibilities to DCE |  |
| B20 | Approve prosecution financial business cases to support DWP Statement of Requirements | As necessary | EDR | As part of procedure agreed with DWP. |
| B21 | Accountability for ensuring compliance with UK GDPR and the DPA2018 within the relevant business area, including:   * the processing of personal data * ensuring all staff comply with the requirements of the legislation and all ONR policies and practices relating to information governance, data classification and handing. | As necessary | DCE and EDR  who may delegate to their direct reports.  Direct reports may then delegate to all staff managers within their business areas. | Also refer to Table 14, which outlines the responsibilities of the Data Protection Officer or equivalent. |
| B22 | Sign off Statements of Common Ground (Land Use Planning) | As necessary | EDR who may delegate to the relevant DoR |  |

Table - To ONR Directors

| B | Function | Frequency | Delegation to | Comments |
| --- | --- | --- | --- | --- |
| B23 | Approval of special payments such as loans and advances to staff up to £5,000 | As necessary | Human Resources Director (HRD) and FD | Both signatures required |
| B24 | Approval to dismiss staff/ terminate employee contracts | As necessary | HRD | In consultation with DCE or EDR as appropriate |
| B25 | Approval of employment contracts and secondment contracts | As necessary | HRD |  |
| B26 | Approval of praise and recognition awards for individual staff | As necessary | Relevant Director |  |
| B27 | Approval of ONR’s publication scheme in accordance with the Freedom of Information Act 2000 | As necessary | P&C Director | No sub delegation |
| B28 | Approval of policy for UK GDPR and any revisions | As necessary | Data Protection Officer or equivalent |  |
| B29 | Approval of press releases | As necessary | P&C Director or Head of Communications |  |
| B30 | Approval of internal and external communications | As necessary | P&C Director or Head of Communications | In consultation with DCE, EDR and/or relevant director, wherenecessary |
| B31 | Approval of ministerial submissions and correspondence for onward submission to DWP Partnership and DESNZ Sponsorship Teams and other HMG Departments as required | As necessary | P&C Director or Head of Policy | In consultation with DCE and/or EDR where necessary |
| B32 | Recommending approval of completed status of Post Implementation Review recommendations/actions | As necessary | DCE (endorsed by ONR Board) | In consultation with OET |

# **Appendix 3**: Corporate responsibilities delegated by the CE/CNI

Table - Corporate responsibilities delegated to the ONR Directors

| C | Function | Delegated to | Relevant guidance and/or comments |
| --- | --- | --- | --- |
| C1 | Approve directorate structure | Relevant Director |  |
| C2 | Take operational decisions to deliver the strategic priorities in the Strategy 2020-25 relevant to directorate’s business | Director | ONR Strategy 2020-25 [6]  Letter of Delegation, if issued |
| C3 | Deliver against the OEI Framework and performance measures contained within the Strategy 2020-25 and in-year Corporate Plan | Director | ONR Strategy 2020-25 [6]  Letter of Delegation, if issued |
| C4 | Provide timely and accurate management information as required by the DCE and EDR for inclusion in reports to the Board, etc | Director | Letter of Delegation, if issued |
| C5 | Identify, mitigate, control, manage and report on directorate, divisional, project and strategic risks; and ensure that systems are in place to manage risks and escalate appropriately | Director | In accordance with ONR’s Risk Management Framework [7]  Strategic Risk Register  Letter of Delegation if issued |
| C6 | Manage allocated directorate and divisional budgets to deliver in-year plans effectively and efficiently | Director | Accountability rests with budget holder as defined in this document  Letter of Delegation, if issued |
| C7 | Ensure accuracy in profiling budgets and forecasting income and expenditure | Director |  |
| C8 | Declare and return any over/underspends or any identified efficiency opportunities to Finance to allow reallocation and reprioritisation as appropriate | Director | Letter of Delegation, if issued |
| C9 | Ensure that systems of control are applied within the directorate to protect against fraud and losses, including security of data (electronic and hard copy), IT equipment etc. | Director | SOP guidance |
| C10 | Ensure staff management and appraisal, and relevant people policies and processes are  undertaken and that Single Operating Platform (SOP) processes are adhered to | Director | ONR People Strategy [8]  HR Policies |
| C11 | Approval of attendance at conferences and events (including international events) | Director |  |
| C12 | Authority to sign non-disclosure agreements from DESNZ relating to information transfer with overseas governments | Relevant Director | In consultation with P&C Directorate |
| C13 | Approval of International Organisation Memberships and International agreements | Relevant Director | The appropriate operational director can sign the agreements in their operational area |
| C14 | Approve international business travel, in accordance with the International Engagement Policy | DCE/EDR for Directors  Directors (or delegated B1) for all other staff | In the absence of the DCE, EDR or relevant director approval should be sought from FD.  **Note**: FD should endorse all CE/CNI international travel |

Table - Corporate responsibilities delegated to the Finance Director

| D | Function | Delegated to | May be sub delegated to | Relevant guidance and/or comments |
| --- | --- | --- | --- | --- |
| D1 | Ensure the compilation of an annual budget for approval by the Board. | FD | Head of Finance and Commercial who may delegate further |  |
| D2 | Deliver a Risk Management assessment and review process and provide regular reports to the ARAC/Board. | FD | Head of Risk and Assurance | As set out in the Risk Management Framework [7] |
| D3 | Approval of increase in directorate budget | FD | No sub delegation | Consultation with DCE required where impact of increase will affect total ONR budget |
| D4 | Virement of budgets across main budget headings | FD | Head of Finance and Commercial |  |
| D5 | Approval of transfers between budget lines and re-allocation of underspends subject to DFA limits. | FD | Head of Finance and Commercial |  |
| D6 | Approve any novel and contentious payments up to £500. | FD | Head of Finance and Commercial | Any such payments will be reported to ARAC on a quarterly basis as part of the Policy & Compliance Report |
| D7 | Ensure propriety and regularity by making sure ONR complies with the policy and procedures for the commitment of expenditure, procurement, and the general financial controls | FD | Sub delegated to all budget holders | Managing Public money (MPM) [3]  Financial Reporting Manual (FReM) [9]  HM Treasury guidance  ONR procedure for reporting legal risk and mitigations |
| D8 | Ensure that systems of control are applied within ONR to protect against fraud and losses, of ONR resources | FD |  | MPM [3]  FreM [9]  HM Treasury guidance ONR Fraud policy |
| D9 | Ensure that Board members, independent members, and staff, as appropriate, know about and understand their responsibilities within the ONR/ DWP Framework [1], the Corporate Governance Framework (CGF) [2] and HM Treasury Managing Public Money (MPM) [3] | DCE – ONR/ DWP Framework [1] and the CGF [2]  FD – MPM [3] | Head of Corporate Governance and Compliance | MPM [3]  ONR/DWP Framework Document [1]  CGF [2] |
| D10 | Maintain an effective system of internal financial control including validation of financial information provided externally. | FD | Head of Finance and Commercial | Government Banking service  MPM [3]  FreM [9]  HM Treasury guidance |
| D11 | Prepare and maintain accounts, certificates, estimates, records, and reports for audit purposes | FD | Head of Finance and Commercial | Accounts direction |
| D12 | Ensure effective records are maintained for audit purposes. | FD | Head of Finance and Commercial |  |
| D13 | Provide an Annual Report and Accounts for laying before Parliament, each year in line with the Parliamentary timetable and timescale agreed with DWP | FD | Head of Finance and Commercial | Accounts direction  FreM [9] |
| D14 | Provide regular financial performance reports to the Business and to the Board | FD | Head of Finance and Commercial |  |
| D15 | Ensure that an adequate system of monitoring financial performance is in place to enable ONR to fulfil its responsibility not to exceed the approved budget | FD | Head of Finance and Commercial  Financial Accountant  Finance team |  |
| D16 | Ensure there are appropriate policies relating to travel and subsistence including reimbursement of expenses | FD | Head of Finance & Commercial | DWP guidance board direction  Refer to ONR Business Expenses Manual |
| D17 | Ensure consistent and regular receipt of debts | FD | Head of Finance and Commercial  Financial Accountant  Finance team | MPM [3] |
| D18 | Ensure appropriate recovery action on all outstanding debts | FD | Head of Finance and Commercial  Financial Accountant  Finance Staff | MPM [3] |
| D19 | Ensure an effective and appropriate method of time recording and other notifications is appropriate and developing with policies and procedures to support them | FD | Head of Finance & Commercial  Head of Charging and Cost Recovery | OTiS guidance  FD policies  Staff Handbook |
| D20 | Ensure income is calculated consistently and invoiced on a systematic and timely basis | FD | Head of Finance & Commercial  Head of Charging and Cost Recovery | MPM [3] |
| D21 | Sign commercial contracts | FD  Head of Finance and Commercial | May be sub delegated as per contract value – refer to Table 3 |  |
| D22 | Ensure contracts are tendered through fair and open competition. | FD | Head of Finance & Commercial  Head of Commercial and Procurement | Commercial Governance Framework [10] |
| D23 | Ensure DFA and procurement guidance is strictly adhered to in relation to expenditure on contracts. | FD | Head of Finance & Commercial  Head of Commercial and Procurement | Commercial Governance Framework [10] |
| D24 | Ensure all invoices are paid against a valid purchase order. | FD | Head of Finance & Commercial  Head of Commercial and Procurement | SOP electronic agreed delegation authorities apply |
| D25 | Approval of manual payment of invoices (only where absolutely necessary) | FD | Head of Finance and Commercial | Approval to be given in writing.  SOP electronic agreed delegation authorities apply  DCE to be informed |
| D26 | Agree a Service Level Agreement with Shared Service Connections Ltd (SSCL) for operating ONR’s banking facilities | FD | Head of Finance & Commercial  Head of Financial Accounts | Government Banking Service |
| D27 | Banking signatory on behalf of ONR | FD | Head of Finance & Commercial | MPM [3]  Banking contract |
| D28 | Ensure that ONR’s bank account is managed and operated in line with the Government Banking  Service guidance and procedures | FD | Head of Finance & Commercial  Head of Financial Accounts | Government Banking Service |
| D29 | Ensure authorities are in place to arrange for SSCL to open and close ONR bank accounts as appropriate and to regularly monitor the bank account, ensuring a robust reconciliation process | FD | Head of Finance & Commercial  Head of Financial Accounts | Government Banking Service  SSCL contract |
| D30 | Ensure authorities are in place to allow SSCL to effect transactions on behalf of ONR | FD | Head of Finance & Commercial  Head of Financial Accounts | Government Banking Service  SSCL contract |
| D31 | Ensure effective systems are in place to pay invoices promptly. | FD | Head of Financial Accounts (nominated as authorised person to arrange for payment of invoices via SSCL) | Government Banking Service  SSCL operate BACS run on authority of nominated Management Accountant  SOP electronic agreed delegated authorities apply |
| D32 | Sign contract for Government Procurement Card (GPC) | FD | Head of Finance & Commercial | ONR’s GPC procedure [11] |
| D33 | Ensure effective payment systems and accounting procedures are in place for GPC; and that transaction limits are in place and adhered to | FD | Head of Finance & Commercial  Head of Commercial and Procurement | ONR’s GPC procedure [11] |

Table - Corporate responsibilities delegated to the Human Resources Director

| E | Function | Delegated to | May be sub delegated to | Relevant guidance and/or comments |
| --- | --- | --- | --- | --- |
| E1 | Ensure delivery of recruitment and promotion exercises consistent with approvals and controls established by the Resource and Capacity Group | HRD | Head of People Services  Relevant HR Staff | People Strategy [8]  HR Policies  Directorate Plans |
| E2 | Approve appointment of individuals | HRD | Vacancy holder | People Strategy [8]  HR Policies |
| E3 | Terminate employment contracts/ dismiss employee | HRD |  | People Strategy [8]  Staff Handbook |
| E4 | Issue clearances for ONR staff and its supply chain | HRD | HR People Service Delivery Leads | Staff Handbook  HMG Personnel Security Controls |
| E5 | Determine pay for individuals in accordance with Board approved pay remit | HRD | HR policy staff | Board decision  Public Sector Pay policy guidance including Senior Pay guidance [5] |
| E6 | Make recommendations to the Board on ONR’s pay remit that take account of HM Treasury and Cabinet Office advice | HRD |  | DWP consultation/ advice  Public Sector Pay policy guidance including Senior Pay guidance [5] |
| E7 | Implement pay award, following ONR Board approval | HRD | Head of People Services  Relevant HR staff | SOP guidance |
| E8 | Provide a framework and process for staff to identify and undertake training and development | HRD | Head of Academy | People Strategy [8] |
| E9 | Provide an effective staff appraisal system and provide evaluation reports on its effectiveness to the Executive and the Board | HRD | Head of People Services | People Strategy [8]  Staff Handbook |
| E10 | Ensure effective HR records are maintained for audit purposes. | HRD | Head of People Services  Relevant HR staff |  |

Table - Corporate responsibilities delegated to the Policy and Communications Director

| F | Function | Delegated to | May be sub delegated to | Relevant guidance and/ or comments |
| --- | --- | --- | --- | --- |
| F1 | Ensure the compilation of an annual Corporate Plan for approval for the Board | P&C Director | Head of Strategic Planning |  |
| F2 | Approval of use of ONR Logo | P&C Director | Head of Communications  Deputy Head of Communications |  |
| F3 | Granting copyright permission, where applicable and outside of the Open Government Licence | P&C Director | Head of Communications |  |
| F4 | Approval of internal and external communications | P&C Director | Head of Communications  Deputy Head of Communications |  |
| F5 | Deliver effective procedures for handling concerns and complaints about ONR, that are widely known across ONR and externally | P&C Director | Head of Policy |  |
| F6 | Ensure ONR operates within statutory and legal requirements for Freedom of Information/ Environmental Information Regulation requests | P&C Director | Head of Policy |  |
| F7 | Review and sign any formal or contractual agreement (as determined) with the Government Legal Department | P&C Director |  |  |
| F8 | Business Impact Target (BIT) – approve cost benefit analysis of Non-Qualifying Regulatory Provisions or full Impact Assessments and ONR’s annual BIT report | P&C Director | Head of Policy | DESNZ Better Regulation Framework [12] |
| F9 | Development and implementation of ONR Style Guide [13] | P&C Director | Head of Communications | Applicable to P&C delivered publications.  All staff have a duty to follow the style guide |
| F10 | Approval of press releases | P&C Director | Head of Communications  Deputy Head of Communications |  |
| F11 | Approval of new Export Control Licence Applications and ONR End User/Consignee Undertakings | P&C Director and the relevant Regulatory Director |  | Requires joint approval as outlined in delegation |

Table - Corporate responsibilities delegated to the Chief Information Officer (CIO) and/or the Chief Information Security Officer (CISO)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| G | Function | Delegated to | May be sub delegated to | Relevant guidance and/ or comments |
| G1 | Development and implementation of an IT Strategy | CIO |  |  |
| G2 | Procure IT equipment (software and hardware) following DFA approval (refer to financial delegations, capital expenditure) | FD or CIO | No sub delegation |  |
| G3 | Ensure staff awareness of the need to comply with ONR’s IT Security policy, check adherence and instigate appropriate action for non- compliance | CISO | No sub delegation |  |
| G4 | Ensure that systems of control are applied within ONR to protect against fraud and losses of IT resources including security of data (electronic and hard copy), IT equipment etc | CIO / CISO | SIAM  IT Service provider | CIO - IT asset register  CISO - information risk |

Table - Corporate responsibilities delegated to the Data Protection Officer (DPO) or equivalent

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| H | Function | Delegated to | May be sub delegated to | Relevant guidance and/or comments |
| H1 | Provide assurance to Board on ONR’s compliance with the UK General Data Protection Regulations. | DPO or equivalent |  | UK GDPR  ICO guidance  ONR data protection policy [14] and procedures |
| H2 | Monitor Data Protection Impact Assessments (DPIAs) and provide advice on DP matters | DPO or equivalent | Governance and Compliance Manager | UK GDPR  ICO guidance  ONR data protection policy [14] and procedures |
| H3 | Provide information, guidance, and advice to all staff on data protection obligations | DPO or equivalent | Governance and Compliance Manager | UK GDPR  ICO guidance  ONR data protection policy [14] and procedures |
| H4 | Monitor staff compliance with UK GDPR, the DPA2018 and other data protection laws and with ONR’s own data | DPO or equivalent | Governance and Compliance Manager | UK GDPR  ICO guidance  ONR data protection policy [14] and procedures |
| H5 | Act as the first point of contact point for data subjects and the Information Commissioner’s Office (ICO) | DPO or equivalent |  | ICO guidance  ONR data protection policy [14] and procedures |

# **Appendix 4**: Financial authorities delegated by the CE/CNI

Table - Financial authorities delegated by the CE/CNI

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| J | Type and Level | Limit | Delegated to | May be sub delegated to |
| J1 | Losses and write offs | £100k -500k | DCE | No sub delegation |
| J2 | Fruitless payments | £5k - £100k | FD | No sub delegation |
| J3 | Write off bad debts | Up to £5,000 | Head of Finance & Commercial | No sub delegation |
| J4 | Disposal of assets | Net Present Value up to 1% of ONR annual budget | FD | Head of Finance & Commercial |
| J5 | Learning and Development | UK training (including conferences for training purposes)[[4]](#footnote-5) | CDM – unless multiple numbers of staff are involved | No sub delegation |
| J6 | Conferences | UK  conferences | CDM – unless multiple numbers of staff are involved | No sub delegation |
| J7 | Relocation | No lower limit  – upper limit £8,000 | HRDirector (unless conflict of interest, in which caseDCE) | No sub delegation |
| J8 | Provision of hospitality | Subject to Gifts and Hospitality Policy [15] | Head of Finance & Commercial | No sub delegation |

Table - HR changes / recruitment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| J | Issue for decision | Delegated to | May be sub delegated to? | Contract sign-off |
| J9 | New posts (within the agreed budget) | HRD or relevant Director | Head of People Services | CE/CNI |
| J10 | Secondments (in and out) | HRD or relevant Director | Head of People Services | N/A |
| J11 | Replacements of existing posts | HRD or relevant Director | Head of People  Services | N/A |
| J12 | Temporary duties allowance | HRD or relevant Director | Head of People Services | N/A |
| J13 | Re-grading of posts | HRD or relevant Director | Head of People Services | N/A |
| J14 | New L&D programmes | HRD | Head of Academy | N/A |

# **Appendix 5**: Regulatory responsibilities authorised by the Chief Executive/Chief Nuclear Inspector

Table - Delegations for the exercise of regulatory functions

| Legislation | Functions | Comments |
| --- | --- | --- |
| Nuclear installations Act and conditions attached to Nuclear Site Licenses | **Reserved to CNI**   * Granting or withdrawing a license | Can be delegated to EDR/ DoR on a case-by-case basis |
| **Delegated to EDR/DoR**   * Vary licenses * Grant Consents and Approvals and Directions * Modify, revise or withdraw Consents, Approvals and Directions |  |
| **Delegated to Superintending Inspector**   * Issue of Specifications, Agreements, and Notifications within their area of competence and for exercising the derived powers provided by licensees’ arrangements * Directions or Consents during a nuclear emergency |  |
| Ionising Radiation Regulations 2017 | **All functions delegated to Superintending Inspector** |  |
| Radiation (Emergency Preparedness and Public Information) Regulations 2001 (updated by REPPIR 2019) | **Functions delegated as follows:**   * Superintending Nuclear Inspector – regulation of nuclear submarine related sites * Superintending Nuclear Inspector – regulation of nuclear weapons related sites * Superintending Nuclear Inspector and Principal Nuclear Inspector – emergency arrangements programme for civil nuclear sites. |  |
| Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 | **Reserved for CNI**   * Authority to sign correspondence with Secretary of State re regulations 8(2)(c), 11(a) and 13(5) | Can be delegated to EDR/ DoR on a case-by-case basis |
| **Delegated to EDR/DoR**   * Issue of Consents for decommissioning projects |  |
| **Delegation to Superintending Inspector**   * Issue pre application opinions * Issue notices, notifications and requests for further information and evidence * Authority to determine if changes or extensions to a project will require an Environmental Impact Assessment (EIA) |  |
| Nuclear Safeguards Act 2000  Nuclear Safeguards (Notification) Regulations 2004 Nuclear Safeguards and Electricity (Finance) Act 1978 | All functions are delegated to DoR - Civil Nuclear Security and Safeguards (CNSS) who can delegate to Superintending Nuclear Safeguards Inspectors including authority to serve notices, issue certificates |  |
| Approve Safeguards Annual report to the Secretary of State required under Nuclear Safeguards Regulations 2019, Regulation 41 | **DoR CNSS** |  |
| Nuclear Safeguards (EU Exit) Regulations 2019 (NSR19)  Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019 | **All functions are delegated to DoR - Civil Nuclear Security and Safeguards (CNSS) who can delegate to Superintending Nuclear Safeguards Inspectors**   * Impose Particular Safeguards Provisions under Regulation 5, NSR19 * Approve all or part of an Accountancy and * Control Plan under Regulation 7, NSR19 * Consent to amendment of all or part of an approved Accountancy and Control Plan under Regulation 8 * Withdraw permission for the regime of limited operation under Regulation 31, NSR19 * Request the installation of safeguards equipment under Regulation 37, NSR19 * Publication of withdrawals of qualifying nuclear material from safeguards during the preceding calendar year under Regulation 40, NSR19 * Publication of inventories of civil plutonium and uranium in the United Kingdom at the end of each calendar year under Regulation 40, NSR19   Delegated to Nuclear Safeguards Officer with a full warrant   * Request additional information under Regulations 10, 11, 12, 16 of NSR19 * Grant a request for the application of the regime for limited operation under Regulation 31 of NSR19 consent to the withdrawal of nuclear material from safeguards under Regulation 33 of NSR19 |  |
| Energy Act 2013 | **Reserved for CNI**   * Issue of Inspector Warrants | Can be delegated to EDR |
| **Delegated to Superintending Nuclear Safeguards Inspector**   * Power to obtain information under section 97(1) * Issue notices under Schedule 8 (as amended by the Nuclear Safeguards Act 2018) |  |
| Nuclear Industries Security Regulations 2003 | **Delegated to DoR CNSS who can further delegate to Superintending Civil Nuclear Security Inspector**   * Issue Directions under regulations 11,21 and 22 * Issue Approvals and Revocations security plans for nuclear premises made under Regulations 4, 5 and 6 * Issue Approval of transport security statements under regulation 16   **Delegated to Civil Nuclear Security Inspector**   * Issue Approvals of amendments to security plans made under Regulation 6 * Issue Approvals of temporary security plans for nuclear premises made under regulation 8 * Issue Notifications under regulation 7 and 8 * Issue Approvals and Revocations of carriers under regulations 14 and 15 * Issue Approval of transport plans under regulation 19 * Issue Approval of transport under regulation 20(4) * Sign directions made under regulation 22   **Delegated to Civil Nuclear Security Inspector and Vetting Officers**   * Approve or deny the Baseline Personnel Security Standard and approve, suspend, deny, or withdraw National Security Vetting clearances for industry staff and contractors |  |
| Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004 | **Delegated to the Civil Nuclear Security Inspector**   * Issue authorisations, withdrawals or variations of authorisation of disclosure under regulations 4 and 5. |  |
| Functions under the Import of Goods (Control) Order 1954 | **Delegated to the Civil Nuclear Security Inspector**   * Grant licenses, modify or revoke such licenses |  |
| The Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009 | **Delegated to EDR, DoR, and Transport Delivery Lead**   * Issue Certificate or Authorisation:   + under regulation 12 or 26 of the Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009;   + on behalf of the Civil Aviation Authority in accordance with the Authorisation under paragraph 15 of Schedule 1 to the Civil Aviation Act 1982 and agreement under section 13(4) of HSWA made between the CAA and the Executive on 26 October 2011;   + on behalf of the Secretary of State for Transport in accordance with the agreement under section 13(4) of HSWA made between the Secretary of State for Transport and the Executive on 28 October 2011; or   + on behalf of the Department of the Environment (Northern Ireland) in accordance with the agreement under section 13(4) of HSWA and section 28(1) of the Northern Ireland Act 1998 made between the Department of the Environment (Northern Ireland) and the Executive on 25 January 2012 |  |

Table - Health and safety legislation – administrative arrangements for exercise of functions

| Legislation (Date order) | Provision | Who is authorised to exercise the specific functions in practice? |
| --- | --- | --- |
| Employers Liability (Compulsory Insurance) Act 1969 and Regs 1998 | S.4(2)b and Reg 8 authorisation | Any member of staff to whom the CNI Staff delegation or the CNI HSWA delegation applies |
| Dangerous Substances in Harbour Areas Regulations 1987 | Reg 36, Sch 7 | Any ONR-warranted inspector holding the post of B1 Chief Inspector of Explosives |
| Equipment and Protective Systems etc. Regulations 1996 | Schedule 14, para 2 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B2 Inspector |
| Control of Major Accident Hazards Regulations 2015 | Regs: 7(4), 7(6),7(13),  15(1), 15(2), 17(1), 19(4),  Schedule 8 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B3 Inspector |
| Regs: 7(12), 10(2), 10(7),  14(2), 16(1) 16(2), 16(4), 21 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B2 Inspector |
| Reg: 18 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B1 Inspector |
| Pressure Equipment Regulations 1999 | Reg: 24(2), Sch 8 para  4(1), para 6 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B1 Inspector |
| Manufacture and Storage of Explosives Regulations 2005 | Regs: 13, 16, 17 | Any ONR-warranted inspector holding the post of B1 Chief Inspector of Explosives |
| Regs 11, 13 (Where Regs 13(4)(a) and 13(4)(b)  apply), 14, 15, 16 (Where Regs 13(4)(a) and 13(4)(b) | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B2 Inspector |
| Fire (Scotland) Act 2005 | Sections 63, 64, 65 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B3 Fire Inspector |
| Regulatory Reform (Fire Safety) Order 2005 | Articles 29, 30, 31 | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B3 Fire Inspector |
| Supply of Machinery (Safety) Regulations 2008 | Regs 21(2), 21(3) | Any inspector holding an ONR (full or H&S) warrant, and holding the post of B2 Inspector |

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1. The legislation also provides for a reciprocal arrangement between HSE and ONR whereby HSE can appoint a member of their Board to the ONR Board and an ONR Board member to HSE’s Board.   
   This is not currently being applied. [↑](#footnote-ref-2)
2. Includes investigations, inquiries, making proposals for legislation and Approved Codes of Practices (ACoPs), accepting and delegating ONR functions. [↑](#footnote-ref-3)
3. If nuclear regulation proposals or ACoPs: DESNZ Secretary of State. If investigations or inquiries, undertaking commercial work or accepting or delegating ONR functions: DWP in consultation with DESNZ. [↑](#footnote-ref-4)
4. Where multiple numbers of staff are attending training, conferences or travelling overseas, a single submission should be made and subject to the delegation thresholds within the DFA guidance. No disaggregation will be permitted. [↑](#footnote-ref-5)