

**PROPERTY TRANSFER SCHEME**

**SENDER ASSURANCE PROCESS**

**1. BACKGROUND**

As you will be aware, Senders are asked to formally agree and document the transfer of all property, rights and liabilities, which has been carried out through production of:

- Annex 2 – Detailed list of all assets and liabilities
- Annex 3 – Detailed transfer scheme instructions
- Annex A – Land and building schedules

Attached is the updated annex 4, which may be used as a tool to record what Senders and Receivers have agreed should transfer. Where you are using your own sign off template, please ensure it covers, as a minimum, the mandatory criteria as per the attached annex 4.

This requirement is one of good governance and will provide the necessary assurance to the Secretary of State, ahead of the legal transfers.

**2. CHANGES TO THE ORIGINAL SIGN OFF PROCESS GUIDANCE**

Please note we have made some changes to the original process (as per the transfer documentation guidance dated 25th October 2012, p.16) for sign off. The changes have been made to allow for more flexibility in the process and are as follows:

**2.1 Board meeting of senders to authorise transfer**

Whilst it is recommended that the sender organisation board authorise the transfer, it is also sufficient for the sign off to be carried out by a delegated approval authority such as an authorised officer or sub-committee of the board. If required, your corporate governance lead may be able to assist further in clarifying such processes of delegation relevant to your organisation.

**2.2 Receiver sign off**

Sign off by national receiver bodies (such as NHSCB, PHE) will be coordinated centrally by Department of Health (DH). Local Authority and Clinical Commissioning Groups are not expected to carry out formal sign off although they will be making their own arrangements in accordance with their internal governance arrangements.

**2.3 Transfer authorisation date**

The original guidance set out that approval should take place no later than the WEEK COMMENCING Monday 25 March. In order to co-ordinate receiver and Secretary of State sign off before 27th March we now need to bring this forward to no later than midday on MONDAY 25TH MARCH 2013.

If your board/authorisation date falls after this date please make arrangements in line with the advice in above section 2.1 to ensure sign off on or before 25th March 2013 and return your signed annex 4 to your respective cluster mailbox below, no later than midday on Monday 25th MARCH 2013.

- London: Londontransferdocs@dh.gsi.gov.uk
- South of England: soetransferdocs@dh.gsi.gov.uk
- North of England: noetransferdocs@dh.gsi.gov.uk
- Midlands & East: midsandeasttransferdocs@dh.gsi.gov.uk

### 3. NEXT STEPS

Lawyers are currently drafting transfer schemes from the schedules submitted. The process from hereon is as follows:

3.1 Draft transfer schemes will be emailed to senders as and when they are ready. This is a rolling process and transfer schemes will be issued FROM 28th February 2013.

3.2 The draft transfer schemes will include drafting questions by lawyers which senders will be required to answer. Senders will have TWO WORKING DAYS to respond to these drafting questions, check the accuracy of the draft scheme and to raise any final change requests (further guidance will follow to assist you in answering the questions). Please note extensions cannot be granted due to the tight timescales we are all working within. THIS IS THE FINAL OPPORTUNITY TO UPDATE YOUR TRANSFER SCHEME. Lawyers will not be in a position to reissue the draft transfer scheme for any further updates.

3.3 Once the updated transfer scheme is returned to DH it will be finalised by lawyers. The FINAL transfer scheme, in PDF, will be sent back to senders for board/delegated authority sign off.

3.4 Senders to ensure their board/delegated authority sign off the transfer scheme. Senders MUST return their signed annex 4 (or equivalent document), via email, to their respective mailboxes as above no later than midday on MONDAY 25TH MARCH 2013. The annex 4 signature may be in electronic form (i.e. actual signature, not only the printed name) or a scanned copy of the signed document.

3.5 Once the signed annex 4 is received, the transfer scheme will be signed by a Senior Civil Servant in the DH on behalf of the Secretary of State. The signed transfer scheme is the legal instrument of transfer and will take effect on 1st April 2013.

3.6 The final signed transfer schemes will be stored in a central DH repository.

**ANNEX 4**

**TEMPLATE FOR SENDER ASSURANCE**

**The property, rights and liabilities schedule for [insert legal name of Sender]**

The property, rights and liabilities identified in the draft Transfer Scheme attached at Appendix 1 are the property of **[insert name of Sender]** (the “**transferor**”) and have been identified as property which will transfer to the **transferees**, as identified in Schedule 2 of the attached Transfer Scheme on the effective date of the transfer.

The transferor shall continue to engage with the transferees and/or any third parties until the effective date of transfer in order that any further property, rights and liabilities, not captured at this date, are adequately dealt with.

Signed on behalf of the transferor  
[Insert legal name of Sender organisation]

Signature: .....

Name:.....

Role:.....

**[That is, Authorised Officer position within the Sender]**

Date: .....

**APPENDIX 1**

**Transfer Scheme**