

To: Chief Executives of  
NHS Trusts

**NHS**

**Executive**

**Headquarters**

Department of  
Health

Quarry House

Quarry Hill

Leeds LS2 7UE

Tel 0113 254 5000

**EL (96) 60**

**10 July 1996**



Dear Colleague,

**ACCOUNTABLE OFFICERS**

Last year I designated the Chief Executive of each Health Authority and NHS Trust as an accountable officer. I sent each of you a personal memorandum which set out the responsibilities we share for the proper use of public funds. The accountable officer role is of course only a narrow part of your overall remit, and your Board retains its overall responsibilities as set out in the Codes of Conduct and Accountability.

A recent case in another Government department has raised the possibility of an accountable officer's designation being removed. A number of colleagues have asked about the implications of this, and I am writing to explain the position.

In certain circumstances I could withdraw accountable officer status from a Chief Executive who failed to carry out his/her responsibilities satisfactorily. This is likely to be a very rare occurrence, and I have a duty to act fairly and rationally in taking such action. This could include commissioning an independent inquiry, and the Chief Executive concerned would have every opportunity to comment on the results of the inquiry before a decision was taken. He or she would also have an opportunity to put their point of view to me direct and I would remain in close touch with the relevant Chairman throughout.

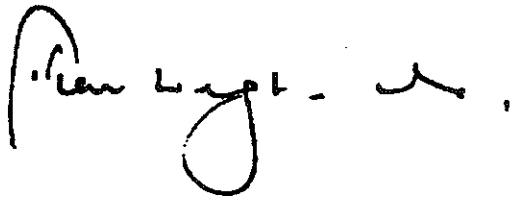
There is no scope for a formal appeal against a decision to withdraw accountable officer status. As Accounting Officer for the NHS, I have a personal responsibility which I cannot delegate or relinquish. It is therefore for me to make decisions on accountable officers, and I who will ultimately be called to answer to the Public Accounts Committee.

My relationship with an accountable officer is, however, an unusual one. It is based on public law (i.e. the general principles of proper public administration) rather than any form of employment contract. Any withdrawal of accountable officer status would not automatically lead to termination of the employment contract. This would be a matter for the Chairman and Board of the Health Authority or NHS Trust concerned. The employer would of course, as a matter of employment law, need to act reasonably in the circumstances of each case.

I hope that this explanation is helpful. I should again emphasise that I would only remove designation after the most careful examination of the facts. A revised memorandum is being sent to Health Authority Chief Executives to reflect the establishment of the new Health Authorities from 1 April 1996. The Trust memorandum remains the same. I urge you to study this document carefully. Many Chief Executives have already attended one of the training days we organised in association with the IHSM. Although we are not planning further large-scale events, we will be happy to provide training in smaller groups, perhaps on a Regional basis for any Chief Executives who would find this helpful.

I have written separately to your Chairman to outline the current position.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Alan Langlands". The signature is written in a cursive style with a large initial 'A' and a long horizontal stroke.

**ALAN LANGLANDS**

For further information please contact:  
Mr A Angilley, Room 4N25 Quarry House.