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# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

**BOD 07/2022**

(Agenda item: 09

# Board of Directors

**26th January 2022**

**Legal and Regulatory Update**

**For: Awareness and Assurance**

**Executive Summary**

The Reading Room contains the detail of the regular report to inform the Board of Directors on recent legislation, regulation and compliance guidance issued by bodies such as NHSE/I, the Care Quality Commission, and other relevant bodies where their action/publications have a consequential impact on the Trust, or an awareness of the change/impending change is relevant to the Board of Directors and its committees’ business. This report covers the period since the last report to Board and includes any noteworthy contributions covered by health think tanks and a section in the Addendum to this report on learning / ‘True for Us’ considerations.

The Update Report is designed to reflect changes in legislation, guidance, the structure of the NHS, and government policy and direction on health and social care. A summation of the change is provided for each item and where relevant, a sense of the Trust’s position with regard to the change. **The Board of Directors is invited to consider and note the content of the report and where relevant, members should each be satisfied of their individual and collective assurances that the internal controls in place to deliver compliance against any Trust’s obligations are effective. The Appendix should prompt consideration of the need to commission any deep dive (or ‘true for us’ reviews) in order to enhance the level of assurance or to improve the control environment, and/or decisions about the focus of any relevant Board Committee.**

Early consideration of certain items supports a prospective understanding of risk and opportunity. Chairs of Board Committees should consider whether more detailed assurances relevant to their committees, are necessary, utilising this report as a constructive stimulant to inform the composition of meeting agendas and reporting focus as necessary or appropriate.

The Executive team meeting’ focus will where relevant ensure Executive Directors are aware of the changes related to their portfolios and will take forward any key actions arising from the Legal, Regulatory and Policy Updates. Progress updates on any relevant actions will be reported to the Board of Directors, as pertinent and appropriate either through the report itself or via the relevant Board reports of individual Executives.

The Director of Corporate Affairs will continue to develop or enhance internal control mechanisms to support the Trust in complying and being able to evidence compliance with relevant mandatory frameworks/obligations.

**In this month’s Legal and Regulatory Update**, The NHS priorities and operating guidance issued on Christmas Eve is comprehensive and sets clear ambitions on recovery. It reflects the transitional stage the NHS is in and the importance of consistent communication in the middle of the pandemic. The next set of guidance should be orientated even further towards more system working, partnership and collaboration given the recognised importance of the role of the third sector, and systems are required to develop effective partnerships with the sector to ensure delivery of Long-Term Plan commitments.

Board members will note the delays regarding the formal status of the Integrated Care Systems now gaining statutory status from July 2022 and the passage of the Health and Care Bill is referenced in this report. This will no doubt be challenging for new appointed chairs and CEOs given they will operate in shadow form until the formal demise of CCGs.

Also, with the theme of learning and the encouraged ‘True for Us’ curiosity, Board and Committee members are invited to consider the Addendum to the Report in the Reading Room. Notable is the ongoing reminder of the importance of Board behaviours and the actions (or inaction) of executive directors in determining wider organizational culture.

**Governance Route/Approval Process**

This is a routine report with direct relevance to the Board.

**Recommendation**

The Board of Directors is invited to consider and be aware of the content of the report and where relevant, members should each be satisfied of their individual and collective assurances that the internal plans and controls in place to deliver compliance against any Trust’s obligations are appropriate and effective. Chairs of Board Committees should consider whether more detailed assurances relevant to their committees, are necessary, utilising this report as a constructive stimulant to inform the composition of meeting agendas and reporting focus as necessary or appropriate.

**Author and Title: Kerry Rogers, Director of Corporate Affairs & Company Secretary**

**Lead Executive Director: Kerry Rogers, Director of Corporate Affairs & Company Secretary**

1. *A risk assessment has been undertaken around the legal issues that this report presents and there are no issues that need to be referred to the Trust Solicitors*
2. ***Strategic Objectives/Priorities*** *– this report relates to or provides assurance and evidence against aspects of each of the Strategic Objectives/Priorities of the Trust*