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# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

**BOD 17/2022**

(Agenda item: 13)

# Board of Directors

**30th March 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 Reading Room also contains an overview of the Board Assurance Framework and a private section on the Trust Risk Register.

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**, a number of articles highlight the well versed impact of the pandemic on detentions and on demand and capacity.

The Provider Selection Regime highlights the proposed move away from the expectation of competition in all circumstances and towards collaboration across the health and care system. This is intended to remove unnecessary levels of competitive tendering, remove barriers to integrating care, and promote the development of stable collaborations.

Board members have previously noted 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 the last report.

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 theme of the importance of Board behaviours and the actions (or inaction) of 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*