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# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

**BOD 54/2022**

(Agenda item: 17

# Board of Directors

**20th July 2022**

**Corporate Affairs Update Report**

**For: Awareness and Assurance**

**Executive Summary**

**Legal, Regulatory and Policy Update Report**

The Reading Room contains the detail of this regular report to inform the Board of Directors on recent legislation, regulation and compliance/policy 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.

**Risk Management**

Included in the Reading Room is the latest iteration of the Board Assurance Framework to ensure Board members continue to have a universal view of the Trust’s strategic risk profile. This is the July edition of the BAF and follows oversight and discussions at the latest suite of Board Committee meetings since the last meeting of the Board.

**Impact Reporting – Corporate Affairs**

**Communications, Involvement and Engagement**

At the invitation of the Chief Executive, this month’s report includes in the Reading Room examples of the impact of specific team functions beyond the compliance and regulation aspects of the remit of the Director of Corporate Affairs/Company Secretary in order to raise the profile of activity across the Corporate Affairs portfolio. Future iterations of the update report will include these updates as considered pertinent/useful in the prevailing circumstances.

**Compliance matters**

The Legal Regulatory and Policy 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, on a risk basis, 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 routine Board reports of individual Executives.

**In this month’s Legal and Regulatory Update**, a number of publications continue to acknowledge the impact of the pandemic on Trusts, in particular on workforce. It is important to remember that COVID-19 has not gone away and in the face of that threat our dedicated colleagues and teams continue to work flat out doing all they can to tackle demand. It was a befitting tribute to the NHS to be awarded the George Cross saluting the efforts of NHS staff over the last two years.

As we see our numbers of staff and patients with COVID-19 rise, the extreme weather conditions have required the Trust’s heatwave plans to be initiated and the NHS is expecting extra strain on services which it is anticipated will adversely impact elderly people needing hospital treatment at a time of year when Trust’s would hope to see some respite in pressures.

The delayed public inquiry into the UK’s handling of the pandemic was launched this month with the widened terms of reference published to include consideration of unequal impact on minority ethnic people, on children and on mental health. It is expected that Heather Hallett, and her team of 12 QCs operating under the Inquiries Act will be one of the largest public inquiries conducted in the UK. The inquiry will examine, consider and report on preparations and the response to the pandemic in England, Wales, Scotland and Northern Ireland. The terms of reference cover 37 topics divided into three areas. The public health response, the response of the health and care sector and the economic response and its impact, including government interventions.

Board members have previously noted the delays regarding the formal status of the Integrated Care Systems now gaining statutory status from July 2022 through the Health and Care Act. This month’s report includes the publication of the System Oversight Framework 22/23 which came into operation as new ICBs were created and CCGs ceased operation. The importance of system working is a theme through this framework, and through enhancements to the guidance for governors on their statutory duties. System working and collaboration is also likely to become a licence condition under our Provider Licence such that we will be increasingly judged on our contribution to the objectives of the integrated care system.

In recognition of the absence of any acknowledgement of councils of governors in the statutory ICBs, the addendum to existing guidance for governors on their statutory functions contains some helpful clarifications and members of the Board will need to facilitate lines of communication and engagement between the system and the Council of Governors, and we will build upon the information and briefings on system plans, decisions and delivery and OHFT’s own contribution to system working in future reporting to governors.

The Mental Health Act and Law Committee will be paying close attention to the reform of the MHA following the draft legislation which is intended to give effect to the policy approaches outlined in Sir Simon Wesseley’s review in 2018.

The Digital Health and Care Plan sets out a vision for a digital future for leaders and a plan to achieve digital transformation of health and social care. The briefing provides a summary of the key commitments laid out by NHSE/DHSC and their digital ambition, categorised across four fronts and through FIC, future implementation guidance will need to be overseen as part of the developments to the Digital Strategy previously discuss at Board:

1. Equipping the system digitally for better care.
2. Supporting independent healthy lives.
3. Accelerating adoption of proven tech.
4. Aligning oversight with accelerating digital transformation.

The conclusion of General Sir Gordon Messenger and Dame Linda Pollard’s review into leadership is pertinent and the Board is aware of challenges with regard to improving medical engagement and so it is apposite the review reminds us of the central role clinicians can play in culture and behaviour setting alongside their knowledge of patient and population health. Preparing clinicians for leadership roles and training and development opportunities will need to be a key facet of our emerging organisational strategy with an early framework recently socialised at PLC Committee.

Finally, 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 culture and safe environments for speaking up and a number of CQC inspections included in the report will assist with our own development focus.

**Governance Route/Approval Process**

This is a routine report with direct relevance to the Board and its committees and serves to provide early insight into the changing legal, regulatory and policy environment thereby allowing a risk based approach to stimulating further enquiry where relevant.

**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 and reassurance that the internal plans and controls in place to deliver compliance against relevant Trust 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 and in the context of the Trust’s strategic risk profile and the effectiveness of mitigations/controls.

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**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*