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# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

**BOD 66/2022**

(Agenda item: 14

# Board of Directors

**28th September 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 (**BAF**) to ensure Board members continue to have a universal view of the Trust’s strategic risk profile. This is the September edition of the BAF and follows oversight and discussions at the latest suite of Board Committee meetings since the last meeting of the Board.

Worthy of note here is the inclusion of the new Major Capital Projects risk at BAF 3.14, which the Finance & Investment Committee deemed, at its meeting on 20 September 2022, should have an extreme/red-rated Current Risk Rating (of 16) in light of delays around the Psychiatric Intensive Care Unit capital project/build.  However, this extreme risk rating is likely to be a short-term position pending evidence of improvement following which the Current Risk Rating may improve, although the strategic risk may still remain for monitoring.

**Impact Reporting – Corporate Affairs**

**Communications, Involvement and Engagement**

This month’s report again 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 in particular on workforce.

The importance of system and partnership working is again a theme through this month’s paper, and as reported in July, system working and collaboration is set 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.

The Mental Health Act and Law Committee will be paying close attention to the reform of the Mental Capacity Act and Liberty Protection Safeguards whilst the Quality Committee in particular will oversee the components of the new Single Assessment Framework launched by the CQC which is a focus in part through our external Well Led Governance Review in order to identify developmental opportunities for the Trust.

A reminder of the Emergency Preparedness, Resilience and Response Framework is timely for members of the Board who will receive the Trust’s assurance report later in the year post an external assurance process and oversight of the Audit 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.

**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*