

Meeting Title	Board of Directors		
Date	27 May 2020	Agenda item	Bo.5.20.25

Review of Compliance with the NHS Foundation Trust Code of Governance

Presented by	Tanya Claridge, Director of Governance and Corporate Affairs		
Author	Tanya Claridge, Director of Governance and Corporate Affairs Jacqui Maurice, Head of Corporate Governance		
Lead Director	John Holden, Director of Strategy and Integration		
Purpose of the paper	To provide the Board of Directors with the outcome of the review of the Trust's compliance with the Foundation Trust Code of Governance		
Key control	This paper is a key control for the governance associated with each strategic objective		
Action required	For approval		
Previously discussed at/ informed by			
Previously approved at:	Committee/Group	Date	
	Executive team meeting	18 May 2020	
Key Options, Issues and Risks			
<p>The NHS Foundation Trust Code of Governance (the Code) was first published in 2006, revised in 2010, and further updated in 2014 as a result of the Health and Social Care Act 2012.</p> <p>The Code contains a relatively small number of statutory requirements, which the Foundation Trust must comply with. These are highlighted as such in the attached document. However, in general, the Code provides non-mandatory best practice advice. If the Foundation Trust is non-compliant then this does not constitute a breach of the provider license and, for the majority of provisions, the Foundation Trust is simply required to explain any deviation from the Code within the Annual Report.</p>			
Analysis			
<p>A review of compliance with each provision has been undertaken by the Corporate Affairs, and reviewed by the Executive Directors at the Executive team meeting held on 18 May 2020. A summary of the findings with regard to each provision is attached in Appendix 1. The Executive team provided additional scrutiny to five provisions within the code to determine compliance and these have been updated in response to that scrutiny. These were</p> <p>A.2.1 - page 6 A.5.12 - page 11 B.1.1 - page 13 B.1.2 - page 13 B.4.2 - page 20</p> <p>The Annual Report will be used to set out the prescribed information and confirm compliance, or not, with the provisions as appropriate.</p>			
Recommendation			
<p>The Board of Directors is asked to confirm its approval of the compliance statements with regard to each provision within the Code.</p>			

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Risk assessment						
Strategic Objective	Appetite (G)					
	Avoid	Minimal	Cautious	Open	Seek	Mature
To provide outstanding care for patients			g			
To deliver our financial plan and key performance targets			g			
To be in the top 20% of NHS employers					g	
To be a continually learning organisation				g		
To collaborate effectively with local and regional partners					g	
The level of risk against each objective should be indicated. Where more than one option is available the level of risk of each option against each element should be indicated by numbering each option and showing numbers in the boxes.	Low		Moderate	High	Significant	
	Risk (*)					
Explanation of variance from Board of Directors Agreed General risk appetite (G)						

Benchmarking implications (see section 4 for details)	Yes	No	N/A
Is there Model Hospital data relevant to the content of this paper?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there any other national benchmarking data relevant to the content of this paper?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the Trust an outlier (positive or negative) for any benchmarking data relevant to the content of this paper?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Risk Implications (see section 5 for details)	Yes	No
Corporate Risk register and/or Board Assurance Framework Amendments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quality implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Resource implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Legal/regulatory implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Diversity and Inclusion implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Performance Implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Regulation, Legislation and Compliance relevance
NHS Improvement: (please tick those that are relevant) <input checked="" type="checkbox"/> Risk Assessment Framework <input checked="" type="checkbox"/> Quality Governance Framework <input checked="" type="checkbox"/> Code of Governance <input checked="" type="checkbox"/> Annual Reporting Manual
Care Quality Commission Domain: Choose an item.
Care Quality Commission Fundamental Standard: Choose an item.
NHS Improvement Effective Use of Resources: Choose an item.
Other (please state):

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Relevance to other Board of Director's Committee: (please select all that apply)					
Workforce	Quality	Finance & Performance	Partnerships	Major Projects	Other (please state)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Appendices

Appendix 1: Compliance with the NHS Foundation Trust Code of Governance