

<b>Meeting Title</b>	<b>Council of Governors</b>		
<b>Date</b>	<b>21 July 2022</b>	<b>Agenda item</b>	<b>CGo.7.22.9</b>

## Governors Statutory Duties in light of emerging Health & Care partnerships

<b>Presented by</b>	Laura Parsons, Associate Director of Corporate Governance / Board Secretary		
<b>Author</b>	Jacqui Maurice, Head of Corporate Governance		
<b>Governance responsibility</b>	Council of Governors		
<b>Purpose of the paper</b>	To provide the Council with the opportunity to discuss/debate the changes proposed to 'Your Statutory Duties: reference guide for NH SFT Governors'.		
<b>Action required</b>	To note		
<b>Previously discussed at/informed by</b>			
<b>Previously approved at:</b>	<b>Committee/Group</b>	<b>Date</b>	

The Council is asked to note the attached appendices which were circulated to all Governors via email on 30 May 2022.

### NHS England (NHSE)

NHSE has advised that the addendum supplements existing guidance for NHS foundation trust governors and explains how the legal duties of foundation trust councils of governors support system working and collaboration.

### Key points to note from the addendum

- The addendum is based on the existing statutory duties in the 2006 Act, and the principles regarding collaboration and system working in the June 2021 Integrated Care Systems: design framework.
- To support collaboration between organisations and the delivery of better, joined up care, councils of governors are required to form a rounded view of the interests of the 'public at large'.
- Updated considerations are set out in respect to the following legal duties of councils of governors: holding the non-executive directors to account, representing the interests of trust members and the public, and approving significant transactions, mergers, acquisitions, separations or dissolutions.
- This addendum only applies to a council of governors' statutory role within its own foundation trust's governance.

The following documents are attached.

Appendix 1: Draft addendum to your statutory duties

Appendix 2: NHS Providers: On the day briefing on draft addendum

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At the Council meeting the discussion on this agenda item will be led by Laura Parsons, Associate Director of Corporate Governance/Board Secretary.

#### **Recommendation**

The Council of Governors is asked to note the contents of the addendum and the NHS Providers 'on the day briefing'.