

NHS ENGLAND – PRIVATE BOARD PAPER

Title:

Draft Terms of Reference for Committees in Common and NHS England's Statutory Committee

Rationale for paper being discussed in the Private meeting:

This is work in progress and seeking input from Board members. The final ToR for each of the committees will be published when they have been ratified by the Board

Lead Director:

Lord David Prior, Chair
Emily Lawson, National Director Transformation and Corporate Operations

Purpose of Paper:

To provide the Board with an update on the proposed board and committee governance arrangements as part of the future joint working arrangements with NHS Improvement.

The Board invited to:

Consider and comment on all aspects of the attached draft ToR and note the update.

Introduction

1. At the public meetings in common of the NHS England and NHS Improvement Boards on 24 May 2018, both organisations committed to delivering a new model of joint working, and specifically to proposals on shared governance and accountability; on creating integrated regional teams and new regional geographies; on aligning appropriate national functions, and on managing change well.
2. At the public meetings in common on 27 September 2018, these proposals were developed further, and a committee structure was agreed by the Boards. Since then the Governance teams at both organisations have been developing draft Terms of Reference (ToRs) for each committee in common, seeking input from both Chairs and from the proposed committee chairs as well as executive colleagues.
3. Attached to this paper are the following draft ToRs:
 - a) Strategy Committee in Common;
 - b) Delivery and Performance Committee in Common;
 - c) People Sub- Committee in Common;
 - d) Quality Sub-Committee in Common;
 - e) Digital Sub-Committee in Common; and
 - f) NHS England Statutory Committee.
4. These drafts are brought to the Board for **discussion** and Board members are invited to comment on all aspects of the ToR. The section below outlines key points to note for each ToR.

Points relevant to all Committees in common

5. When reading the draft ToRs, please bear in mind that for each Committee in Common, there will in fact be two ToRs, one for NHS England and one for NHS Improvement. The ToRs will differ in the area of membership and, where necessary, in the area of duties.
6. Whilst the duties sections of each Committees in Common 'pair' have been aligned as closely as possible, there are instances where certain responsibilities can only be assigned to NHS England or NHS Improvement. These areas have been clearly flagged in the drafts.
7. To assist joint working going forward, once each ToR has been adopted by the respective Board, the joint secretariat will produce a combined Committee in

Common Terms of Reference for day to day use. This will show how bringing the two Committees together creates such a shared responsibility.

Strategy Committee in Common

8. These ToR have been developed to reflect the fact that the Strategy Committee in Common will be a development forum, meeting at least twice a year to provide strategic oversight and advice, and leadership to the NHS. For this reason, more detailed strategic development will take place in other Committees, linking to the overall strategic direction set by this Committee in Common.
9. All members of the Boards will be members of the Strategy Committee in Common.

Delivery and Performance Committee in Common

10. The ToR of each Delivery and Performance Committee (DPC) have been drafted to bring together a number of areas of responsibility currently allocated to other NHS England/NHS Improvement committees. It is intended to be the main committee where the financial and operational performance of the NHS is discussed.
11. As discussed previously the DPC will have sub-committees in the areas of People, Quality and Digital. It is also proposed that the Joint Finance Advisory Group will continue to meet for as long as required.

People Sub-Committee in Common

12. The ToR for each People Sub-Committee in Common shows the quite distinct roles of each organisation but the combined set of terms demonstrates particularly well the depth of coverage on workforce that joint working now enables.

Quality Sub-Committee in Common

13. It is expected that for the Quality Sub-Committee in Common, the duties section of the ToR will be completely aligned between NHS England and NHS Improvement. However, further work is required to determine how the Quality Committee in Common will fit within current executive-level quality governance at NHS England.

Digital Sub-Committee in Common

14. The ToR for the Digital Sub-Committee in Common have been developed based on advice from colleagues at NHS Digital and includes NHS Digital representatives in its membership. However, the ToR have been designed on the assumption that this Committee will be a formal part of NHS Improvement and NHS England's governance structure. The precise role, if any, which this Committee will play in wider decision making on digital services for the NHS is currently unknown.

NHS England Statutory Committee

15. NHS England and NHS Improvement have some functions which are best discharged outside of Committees in Common, connected to their roles in relation to the commissioning and provider systems respectively. The NHS England Statutory Committee will discharge these functions for NHS England, but work in tune with the overall strategic direction set by the two organisations (Strategy Committee in Common) and assist and not duplicate the combined oversight of delivery and performance (Delivery and Performance Committee). For this reason, these terms of reference are in a different order of detail to other committees. To ensure efficient governance, further work is still required to understand the role of this committee versus others, in particular the Quality Sub Committee.

Additional Information

16. Included as appendices for information, are:
- a) The proposed NED membership of the Committees;
 - b) A document mapping functions from existing Committees to proposed new Committees.

Next Steps

17. A final version of each ToR will be presented to the Board for ratification in [January 2019], together with a full set of governance documents including proposed Terms of Reference for a Nominations and Remuneration Committee in Common and revised ToR for those committees which will continue on a standalone basis.
18. The ToR will be revised in line with comments received from the Board, and approved and then adopted by each of the Committees in Common when they meet in the New Year.