

**MINUTES OF A MEETING IN COMMON OF THE BOARDS OF NHS ENGLAND AND
NHS IMPROVEMENT HELD ON THURSDAY 26 SEPTEMBER 2019 AT 17.00 AT
SKIPTON HOUSE, 80 LONDON ROAD, LONDON SE1 6LH**

Members:

NHS Improvement

Baroness Dido Harding
Simon Stevens
Lord Patrick Carter of Coles

Chair
NHS CEO
Non-Executive Director and Senior
Independent Director
Vice Chair
Non-Executive Director
Chief Financial Officer
National Director for Transformation &
Corporate Development
Executive Director of Nursing
Non-Executive Director
National Medical Director
Chief Operating Officer

Richard Douglas
Dr Tim Ferris
Julian Kelly
Emily Lawson

Ruth May
Sir Andrew Morris
Professor Stephen Powis
Amanda Pritchard

NHS England

David Roberts
Simon Stevens
Ian Dodge
Noel Gordon
Julian Kelly
Emily Lawson

Vice Chair
NHS CEO
National Director for Strategy & Innovation
Non-Executive Member
Chief Financial Officer
National Director for Transformation &
Corporate Development
Chief Nursing Officer
Non-Executive Member
National Medical Director
Non-Executive Member
Chief Operating Officer
Non-Executive Member

Ruth May
Michelle Mitchell
Professor Stephen Powis
Professor Sir Munir Pirmohamed
Amanda Pritchard
Joanne Shaw

In attendance:

Jessica Dahlstrom

Head of Governance

1. Welcome and apologies

- 1.1. Apologies for absence had been received from Sir David Behan (Associate Non-Executive Director), Lord Ara Darzi (Non-Executive Director) and Lord David Prior (Chair, NHS England). David Roberts as Deputy Chair of NHS England would address any NHS England items on the agenda.

2. Declarations of interest

2.1. No interests were declared over and above those held on record.

3. Minutes and matters arising from the private meeting held on 27 June 2019 (BM/19/15)

3.1. The minutes from the private meeting held on 27 June 2019 were approved.

4. Request for delegated responsibility for National Tariff consultation publication (BM/19/25(P))

4.1. The Boards received a paper setting out the policies proposed for inclusion in the statutory consultation on the 2020/21 National Tariff. The Chief Financial Officer outlined the detail of the proposals which included proposals around Best Practice Tariff and blended payments. An update was provided on the position around Market Forces Factor and the Supply Chain Company.

4.2. A discussion took place on the pace of change and on potential unintended consequences of tariff changes. Potential mitigating actions were considered, and Board members discussed how risks could be shared. The regional variation in feedback received was noted.

RESOLVED:

4.3. The Board resolved to:

- a. endorse the policies proposed for inclusion in the statutory consultation on the 2020/21 National Tariff; and
- b. reflecting the separation of functions in relation to the national tariff between NHS England and NHS Improvement (Monitor), as provided for in the legislation, delegate responsibility for their final decisions on the tariff consultation notice to the respective Chief Executives of NHS Improvement and NHS England, and the Chief Financial Officer (of both organisations).

5. Reports from Board Committees (BM/19/26(P))

5.1. The Boards considered a paper which provided a summary of business discussed at Board committees since the date of the last board meeting, 27 June 2019. An update was provided on the procurement of Board development support. Non-executive colleagues would be engaged in the selection process.

ACTION: EL

5.2. The Chief Financial Officer provided an update on the development of a new financial architecture for the NHS, and the Chair provided an overview of actions agreed at the Delivery, Quality and Performance Committee in the morning of 27 September. The operating model would be discussed at the October Strategic HR,

Nominations and Remuneration Committees in Common meeting, and a Board call would be scheduled in October to discuss immediate actions on operational performance.

6. Any other business

6.1. There was no other business.

NHS Improvement Board only

7. Monitor: Directors' & Officers' Liability Insurance (BM/19/28(P))

7.1. NHS Improvement Board members noted that as a matter of law, Monitor could not be part of the statutory indemnity schemes under which both the NHS Trust Development Authority (the TDA) and NHS England have Directors' and Officers' (D&O) liability insurance cover. In consequence, Monitor has always purchased commercial D&O cover. A paper was presented providing further context and recommending that the NHS Improvement Board (incorporating Monitor) continued with this approach.

RESOLVED:

7.2. The NHS Improvement Board resolved to approve the proposals set out in the paper.

Close