



Report to:	Integrated Care Board
Date of Meeting:	1 July 2022
Subject:	ICB Governance Documents and Policies
Director Sponsor:	Executive Director of Corporate Affairs
Author:	Corporate Affairs Team

STATUS OF THE REPORT: *(Please click on the appropriate box)*

Approve Discuss Assurance Information A Regulatory Requirement

SUMMARY OF REPORT:

The report presents a suite of mandated documents and policies as an essential part of the safe and effective operation of the Integrated Care Board as a statutory NHS body. Each of the policies and documents supplements the ICB Constitution and supports the ICB's accountability as a public body.

RECOMMENDATIONS:

Members are asked to approve the following:

- i) Governance Handbook
- ii) Functions and Decisions Map
- iii) Code of Conduct and Behaviours (Standards of Business Conduct Policy)
- iv) Conflicts of Interest Policy and Procedures
- v) Policy for Public Involvement and Engagement
- vi) Whistleblowing (Freedom to Speak Up) Policy
- vii) Policy for the Development of Policies
- viii) Adoption of legacy CCG Policies, as appropriate, on an interim basis

ICB STRATEGIC OBJECTIVE *(please click on the boxes of the relevant strategic objective(s))*

Realising our vision	<input type="checkbox"/>
Improving outcomes in population health and healthcare	<input type="checkbox"/>
Supporting broader social and economic development	<input type="checkbox"/>
Tackling inequalities in outcomes experience and access	<input type="checkbox"/>
Delivering our operational plan 2022/23	<input checked="" type="checkbox"/>

Developing our ICS	☒
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IMPLICATIONS <i>(Please state N/A against any domain where none are identified)</i>	
Finance	Adoption of the policies and standards support sound financial governance and decision-making.
Quality	Adoption of the policies and standards similarly support the maintenance of effective quality governance.
HR	Failure to adhere to the requirements set out within the policies could result in formal action against an employee or other.
Legal / Regulatory	Adoption of the policies and standards supports the maintenance of a robust governance regime that meets the statutory and regulatory requirements of the ICB.
Data Protection / IG	N/A
Health inequality / equality	The Policy for Public Engagement and Involvement, in particular, establishes the means through which the ICB will fulfil its statutory duty to engage.
Conflict of Interest Aspects	The Conflicts of Interests Policy and Procedures establishes the ICB arrangements to appropriately manage conflicts of interest in accordance with NHS England requirements.
Sustainability	N/A

<p>ASSESSED RISK: Risk The failure to adopt and apply the suite of documents by ICB staff and those associated with the work of the ICB could result in the risk of unsafe, ineffective and inefficient decision-making. This, in turn, could render the ICB vulnerable to legal, regulatory or reputational challenge.</p> <p>Mitigation Developed in accordance with NHS England requirements and built upon on existing frameworks with which most ICB staff will be familiar, the documents are subject to a planned programme of promotion and awareness raising from the day of ICB establishment onwards.</p>
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<p>MONITORING AND ASSURANCE:</p> <p>The effective operation of the governance policies and procedures will be monitored through the business of the Audit Committee, whose terms of reference include the requirements to monitor the application of the ICB's risk and control framework.</p> <p>The ICB internal audit programme will provide regular assurance with respect to the effective operation of the ICB governance regime.</p>
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ENGAGEMENT:

The suite of documents have been subject to comprehensive engagement with subject matter experts and senior executive leads and directors within the ICB. They have been updated in the light of their comments and to reflect the emerging thinking of the ICB as its systems and processes have developed.

REPORT EXEMPT FROM PUBLIC DISCLOSURE

No Yes

If yes, please detail the specific grounds for exemption

ICB GOVERNANCE DOCUMENTS AND POLICIES

1. INTRODUCTION

- 1.1. NHS Humber and North Yorkshire Integrated Care Board (the ICB) is required to maintain a safe and effective governance regime as a statutory and publicly accountable NHS body. This is achieved, in part, through the development and maintenance of a comprehensive set of governance policies, processes and procedures.
- 1.2. The seven documents set out within this report supplement the ICB Constitution and, together with the Scheme of Reservation and Delegation, Standing Orders and Standing Financial Instructions, represents the board-level establishment of a robust governance and compliance regime for the ICB.

2. BACKGROUND

- 2.1. In conjunction with the predecessor Clinical Commissioning Group Accountable Officers, the ICB Chief Executive (Designate at the time) established a transition programme to support the establishment of the ICB which included the establishment of a governance task and finish group as one of the core work programmes for the planning and preparation. This group has led on the co-ordination and development of the draft suite of governance policies, procedures and processes in accordance with NHS England guidance.
- 2.2. Whilst drawing on the collective experience long-established systems maintained by the predecessor Clinical Commissioning Groups, the documents have equal regard to the purpose and new requirements of the Health and Care Act 2021.

3. ASSESSMENT

- 3.1. The documents presented for Members' approval are as follows:
 - 3.1.1. *Governance Handbook*

The governance handbook brings together all the ICB's governance documents in one handbook so that it is easy for people to navigate. These must include a core element of standard documents and including those presented for Board approval today.
 - 3.1.2. *Functions and Decisions Map*

This provides a simple guide to the decision-making and accountability arrangements within the ICB and between the ICB and its wider partners within the Integrated Care System.
 - 3.1.3. *Code of Conduct and Behaviours (Standards of Business Conduct Policy)*

The Code of Conduct and Behaviours sets out the principles of good business conduct, including the Nolan standards of public life, along with specific

information on a variety of issues including the reporting of gifts and hospitality and the reporting of suspected fraud.

3.1.4. *Conflicts of Interest Policy and Procedures*

This policy sets out the ICB's approach to conflict of interest (Col) management, which is fully consistent with NHS England's requirements for Col management.

3.1.5. *Policy for Public Involvement and Engagement*

This policy sets out the means through which the ICB will meet its duties to engage and consult with local communities.

3.1.6. *Freedom to Speak Up Policy*

The ICB is required to have a Freedom to Speak Up Policy and a Freedom to Speak Up Guardian from its establishment. The Policy attached is based on the National Guidance however it is an interim position as there will be changes to some of the contact details and additional appendices added in the first 6 months following establishment.

This policy supports staff in being able to speak up and sets out the ICB's commitment to an open and honest culture in which staff feel safe and supported to raise concerns and gives guidance and advice on raising a concern.

3.1.7. *Policy for the Development of Policies*

This policy sets the framework for the systematic and planned approach to the development of ICB policies, procedures, protocols and guidelines.

3.2. The suite of documents will be reviewed annually and in the light of staff and partner feedback. Such reviews will also have due regard to any recommendations from the ICB internal audit programme.

4. CONCLUSION

4.1. The adoption and application of the documents represent an important and initial phase of the maintenance of a robust governance regime. The documents have been prepared with due regard to the advice of NHS England

4.2. Further elements, such as the remaining terms of reference for ICB committees will be brought for approval at subsequent board meetings.

4.3. The ICB is required, by law, Regulation or custom and practice to have a number of policies in place. During the establishment phase of the ICB it has not always been possible or necessary to update all of the existing policies and agree one for the ICB.

4.4. There are some specific policies brought to the ICB for approval at this meeting however there are many policies still under review. The a robust and comprehensive prioritisation process has been applied to all of the policies and they are being reviewed on a risk informed basis and to an agreed schedule following the establishment of the ICB.

4.5. The ICB is therefore asked to formally adopt the legacy CCG policies in the interim period. The existing legacy CCG policies would then be applied to the legacy CCG footprints until 31 January 2023 by which time the policy review will be completed. This will enable the ICB to continue making lawful and defensible decisions in the absence of one specific policy.

5. RECOMMENDATIONS

5.1. It is recommended that Members approve the following:

- i) Governance Handbook
- ii) Functions and Decisions Map
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