

NHS Board Meeting
29 July 2020

Lanarkshire NHS Board
Kirklands
Fallside Road
Bothwell
G71 8BB
Telephone: 01698 855500
www.nhslanarkshire.scot.nhs.uk



SUBJECT: GOVERNANCE FRAMEWORK DURING THE CORONAVIRUS PANDEMIC – REVIEW OF REVISED GOVERNANCE ARRANGEMENTS

1. PURPOSE

This paper summarises the discussion held by Governance Committee Chairs, the Board Chair and the Board Secretary, on 1 July 2020, in relation to the governance arrangements put in place in April 2020 in response to the COVID 19 pandemic and subsequent discussions with all Non-Executive Directors at their Briefing with the Chair on 15th July. The proposed actions were also shared with the Corporate Management Team, including Executive Board Directors.

The Board is asked to:

1. approve the standing up of the Acute Governance Committee and Population Health, Primary Care and Community Services Committee; and
2. approve the proposal for the Chair to carry out a review of the effectiveness of Governance arrangements with Committee Chairs, taking into consideration succession planning for Non- Executives

For approval	<input checked="" type="checkbox"/>	For endorsement	<input type="checkbox"/>	To note	<input type="checkbox"/>
--------------	-------------------------------------	-----------------	--------------------------	---------	--------------------------

2. ROUTE TO THE BOARD

This paper has been prepared by Paul Cannon, Board Secretary and Neena Mahal, Board Chair.

3. SUMMARY OF KEY ISSUES

The purpose of this paper is to provide NHS Lanarkshire Board Members with proposals arising from the discussion held on 1 July 2020, and a copy of the related Action Note which was subsequently shared and discussed with Non Executives at their briefing meeting with the Chair on 15th July and the Corporate Management Team. The meeting of Committee Chairs was arranged to discuss a framework for the re-establishment of the two Governance Committees that had been stood down and the interface with other Governance Committees as part of the review of Governance arrangements.

Board Members are reminded that a paper to the Board in June 2020 recommended that this meeting be taken forward, and a report made back to the NHS Board in July 2020 on the outcome of this discussion.

In terms of next steps the discussion focused on revised governance arrangements to date. Governance Committee Chairs were clearly of the view that the two Governance Committees that had been stood down should now be brought back up, these being the Acute Governance

Committee and the Population Health, Primary Care & Community Services Governance Committee. It was acknowledged that in doing so the Board was still operating in an emergency footing but that moving to a Recovery phase required additional oversight focus to provide assurance to the Board and in particular a focus on the exacerbated Health Inequalities impact of Covid.

It was acknowledged that there were short term and longer term considerations to be dealt with. Mrs Mahal reminded colleagues that it had been her intention to review the governance arrangements in place in the summer of 2020, as per her routine cycle of reviewing the effectiveness of governance in the Board, building on previous reviews and development work with the Board. However, Covid-19 pressures had meant that this review could not take place, and the review was paused. It was also noted that Mrs Mahal will step down as a Board Member, and as Chair, at the end of December 2020 and 2 other Non-Executives will also complete their 8 year term of office at the end of May 2021, adding to the impetus to carry out this longer term review in relation to succession planning.

Short Term

It was proposed that all the Governance Committees, except for the Performance, Planning and Resources Committee, should operate in the coming months to support the response and recovery phase, and that in order to do so, a framework will be developed for Committee Chairs and Lead Directors to follow in terms of reviewing work plans and other issues that needed to be discussed at Governance Committees, whether linked to Corporate/Strategic Objectives or to Covid-19.

Long Term review of effectiveness of governance arrangements in the Board.

It was proposed that the longer term review should continue, notwithstanding the remarks made by Mrs Mahal about recognising that a new Chair would wish to influence the outcome of that review. It was suggested that it would nevertheless be helpful if the review could be completed, ready to be discussed with the newly appointed incoming Chair at the earliest opportunity.

This longer terms review will focus on the Committee Terms of Reference (TOR), Membership of Committees, and Workplans and cross reference Workplans and TORs to avoid duplication. The review should also benchmark the Boards arrangements with other Boards; and take account of Regional and National dimensions. As appropriate, changes should also be made to Non-Executive portfolios to support succession planning, taking into consideration skillsets and areas of interest.

Mrs Mahal also outlined in her discussions, “Active Governance” and the need to ensure that Board members had the right hard and soft intelligence and information flow, both quantitative and qualitative, presented in a format which enabled analysis, due scrutiny and identified risks. The Board should be able to use the information flow to support evidence based, risk assessed decision making. This would be a key element of the review of the effectiveness of Governance arrangements

Other considerations

There was a brief discussion on Integrated Joint Boards and the need to consider the role of IJBs in Command structures in future. There was also discussion about the practice of holding virtual meetings and the need to be flexible if Members wished to attend certain meetings, where this could be accommodated whilst adhering to Scottish Government guidelines.

Non-Executives stressed that any review should also consider lessons learned in relation to Governance arrangements, whilst on an emergency footing, so that this could be built into future planning of resilience arrangements. Maximising any opportunities arising from the Revised Governance arrangements is essential and learning should be incorporated into any review.

They also recognised that the Board was in a different phase of response and that retrospective governance decision making was no longer appropriate.

Mrs Mahal also highlighted the work being sponsored by the National Steering Group on Corporate Governance in relation to performance frameworks, assurance mapping, and the development of a national Assurance Framework to support Active Governance.

Members stressed, in taking forward these short and longer terms reviews, the need to still acknowledge Executive workload and to balance this with the requirements for ongoing oversight and assurance.

It was also acknowledged that if Covid-19 infections increased in the coming months and the Board had to revert to command and control arrangements, Governance Committees may have to revert to the immediate post April 2020 arrangements.

4. STRATEGIC CONTEXT

This paper links to the following:

Corporate objectives	<input checked="" type="checkbox"/>	AOP	<input checked="" type="checkbox"/>	Government policy	<input checked="" type="checkbox"/>
Government directive	<input checked="" type="checkbox"/>	Statutory requirement	<input checked="" type="checkbox"/>	AHF/local policy	<input type="checkbox"/>
Urgent operational issue	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>		

5. CONTRIBUTION TO QUALITY

This paper aligns to the following elements of safety and quality improvement:

Three Quality Ambitions:

Safe	<input checked="" type="checkbox"/>	Effective	<input checked="" type="checkbox"/>	Person Centred	<input checked="" type="checkbox"/>
------	-------------------------------------	-----------	-------------------------------------	----------------	-------------------------------------

Six Quality Outcomes:

Everyone has the best start in life and is able to live longer healthier lives; (Effective)	<input checked="" type="checkbox"/>
People are able to live well at home or in the community; (Person Centred)	<input checked="" type="checkbox"/>
Everyone has a positive experience of healthcare; (Person Centred)	<input type="checkbox"/>
Staff feel supported and engaged; (Effective)	<input type="checkbox"/>
Healthcare is safe for every person, every time; (Safe)	<input checked="" type="checkbox"/>
Best use is made of available resources. (Effective)	<input checked="" type="checkbox"/>

6. MEASURES FOR IMPROVEMENT

The outputs of the longer term review of the effectiveness of the corporate governance arrangements will be discussed further at the October / November 2020 NHS Board meeting.

7. FINANCIAL IMPLICATIONS

There are no financial implications of changing the Corporate Governance arrangements of the Board at this stage.

8. RISK ASSESSMENT/MANAGEMENT IMPLICATIONS

There is a risk that existing revised Governance arrangements will not provide the Board with the necessary assurance and oversight of the continuing response to COVID-19 and the oversight required during the complex recovery phase. There is a risk in the effectiveness of Corporate Governance arrangements if succession planning issues are not addressed.

These risks are mitigated with the proposals outlined in this paper.

9. FIT WITH BEST VALUE CRITERIA

This paper aligns to the following best value criteria:

Vision and leadership	<input checked="" type="checkbox"/>	Effective partnerships	<input checked="" type="checkbox"/>	Governance and accountability	<input checked="" type="checkbox"/>
Use of resources	<input checked="" type="checkbox"/>	Performance Management	<input type="checkbox"/>	Equality	<input type="checkbox"/>
Sustainability Management	<input checked="" type="checkbox"/>				

10. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

Not required.

11. CONSULTATION AND ENGAGEMENT

Board Members were given an opportunity to comment on the revised governance arrangements on 10 June 2020, at the Board meeting held on 26 June 2020, and through discussion by Governance Committees Chairs, the Board Chair and the Board Secretary on 1 July 2020 and at the Non Executives Briefing meeting with the Chair on 15th July and at a briefing of the Corporate Management Team..

12. ACTIONS FOR THE BOARD

Approve	<input checked="" type="checkbox"/>	Endorse	<input type="checkbox"/>	Identify further actions	<input type="checkbox"/>
Note	<input type="checkbox"/>	Accept the risk identified	<input type="checkbox"/>	Ask for a further report	<input type="checkbox"/>

The Board is asked to

1. approve the standing up of the Acute Governance Committee and Population Health. Primary Care and Community Services Committee;
2. approve the proposal for the Chair to carry out a review of the effectiveness of Governance arrangements with Committee Chairs, taking into consideration succession planning for Non- Executives;
3. note the attached Action Log which reflects further specific actions to be taken forward by the Committee Chairs and the Board Chair;
4. note that the Board will be kept apprised of progress;

5. note that a further paper on the review of the effectiveness of governance arrangements should be reported back to the October / November 2020 NHS Board meeting; and
6. note that as requested, the Board Chair will keep Scottish Government (Richard McCallum) apprised of the further changes proposed to the revised Governance arrangements

13. FURTHER INFORMATION

For further information about any aspect of this paper, please contact:

Neena Mahal, Board Chair

Telephone: 01698 858176

Paul Cannon, Board Secretary

Telephone: 01698 858180

ANNEX 1

ACTION LOG

<p>1. Neena Mahal to speak with Heather Knox to brief Executive Leads on bringing up the Acute Governance Committee and the Population Health, Primary Care and Community Services Governance Committee and let the Non-Executive Committee Chairs know.</p> <p>Rationale: In a remobilisation phase and need to monitor performance, service delivery, quality and impact on health inequalities.</p>		
Action	Responsibility	Due Date
Neena Mahal to speak with Heather Knox.	Neena Mahal	6 July 2020
Heather Knox and Paul Cannon to brief CMT and Neena Mahal to brief other Non-Executive Directors on the outcome of this meeting.	Heather Knox Paul Cannon	
<p>2. Consensus of a 2 stage phased approach to review governance whilst on an emergency footing:</p> <p>a) Bring back up committees and review agendas and work plan according to framework of what's necessary as business as usual or new areas due to COVID Response and Recovery and what can be paused in light of COVID.</p> <p>b) More fundamental review of the working of the Governance committees in relation to Terms of Reference, Work Plan, Membership, Agenda, benchmarking of similar committees in other Boards and review/cross referencing of reporting arrangements to minimise duplication.</p>		
Action	Responsibility	Due Date
Interim step - Non-Executive Directors will be supported to undertake review of work plans, agenda setting, mapping of risks, membership and benchmarking.	Neena Mahal Paul Cannon Jacqueline Murdoch	Indicative date for completion October 2020
<p>3. Agreement to bring Paper to Board in July 2020 outlining the different phases of the work to be undertaken on the bringing back up of the Acute Governance Committee and the Population Health, Primary Care and Community Services Governance Committee and the fundamental review going forward</p>		
Action	Responsibility	Due Date
Paper to be brought to July 2020 Board	Neena Mahal Paul Cannon	July 2020
<p>4. All Chairs asked to review frequency and dates of meetings for the next few months; July/August/September/October.</p>		
Action	Responsibility	Due Date
Review of Committee meeting dates	Committee Chairs	To be advised

<p>5. Neena Mahal to speak with Heather Knox and Colin Lauder on reviewing the Performance Framework</p>		
Action	Responsibility	Due Date
Neena Mahal to discuss Performance Framework and consider national work being undertaken	Neena Mahal	July 2020
<p>6. Neena Mahal to brief Heather Knox on the Integrated Joint Board discussion for the desire for NXDs to have a Pre-Meeting for South Lanarkshire IJB with the Board Chair and CE.</p>		
Action	Responsibility	Due Date
N Mahal to brief Heather Knox on Pre-Meeting request	Neena Mahal	July 2020
<p>7. Avril Osborne to reflect if a similar arrangement should be considered for North Lanarkshire IJB.</p>		
Action	Responsibility	Due Date
Consideration of Pre-Meeting request	Avril Osborne	July 2020
<p>8. MS Teams Meetings. Ensure managing MS Teams meetings with appropriate and sufficient breaks especially as Board meetings will resume normal timings.</p>		
Action	Responsibility	Due Date
Consideration of Teams meeting planning	Neena Mahal/ Paul Cannon	July 2020
<p>9. Committee Chairs agreed to hold further similar meeting.</p>		
Action	Responsibility	Due Date
Dates to be advised of further meeting	Neena Mahal Heather Knox	To be advised
Date of Next Meeting: To be advised		