

Meeting Title	Mid and South Essex Acute Trusts Boards Meeting in Common		
Meeting Date	6 th February 2019	Agenda No	2
Report Title	Review of Delegated Authority and Responsibilities		
Lead Director	Nigel Beverley, BTUH Chairman and Presider of Boards in Common Alan Tobias, SUHT and MEHT Chairman		
Report Author	Andrew Stride, Group Director – Corporate Governance Integration		
Action Required	Decision <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Monitoring <input type="checkbox"/>		
Background / Context	<p>In December 2016, the Board of each of the three trusts made a decision to delegate all decisions and responsibilities that could be delegated by law and the principles of good governance to a Success Regime Committee (SRC). The three SRCs, comprising the Trust Chairman, two NEDs from that Trust and all of the joint executives, would then meet in common on a monthly basis (the Joint Working Board) to transact as much business collaboratively as possible.</p> <p>The JWB met in from February 2017 to December 2018, with the separate Trust Boards meeting on a quarterly basis to exercise reserved powers and obtain high level assurance.</p>		
Moving to Trust Boards in Common	<p>In January 2019, the three Trust Boards decided that the time was right to evolve the JWB meetings into meetings in common of the three full Trust Boards. One of the key advantages to this approach is that all executive and non-executive members of the three Boards will be involved in business at trust and “group”-level.</p>		
Rescission of Routine Delegation to the SRCs that formed the JWB	<p>In the interests of clear and transparent corporate governance, the Trust Boards are invited to formally pass a resolution that rescinds the December 2016 delegation to their individual SRC.</p> <p>It is however proposed that the Trust Boards reserve the facility to meet as a Joint Working Board under exceptional circumstances. Whilst there are no instances envisaged where this is required given monthly Boards in Common meetings. Nonetheless it is possible that in an environment of fast-paced change, Board-level decisions may be required in a short timescale (such as final approval of high value business cases or regulatory submissions) in which instance it would be better governance to utilise the SRC/JWB facility than attempt to co-ordinate three simultaneous emergency powers decisions.</p>		
Timescale for Benefits to be Realised	If approved, the proposed rescission would take effect immediately.		

Assessment of Implications	
Financial	<p>Does this proposal have <u>revenue</u> (recurrent or non-recurrent) implications for the Trusts? No</p> <p>Does this proposal have <u>capital</u> (recurrent or non-recurrent) implications for the Trusts? No</p> <p>If yes, can these implications be <u>fully</u> covered by existing budgets? Yes/No N/A</p>
Risk	This proposal mitigates the risks associated with unclear lines of governance and decision making powers
Equality and Diversity	This proposal has been subject to an equality analysis and there are no implications for groups with protected characteristics
Freedom of Information	<i>No exemptions apply (i.e., information is in the public domain)</i>
Other Implications Identified	None of note
Recommendation	<p>The Trust Boards of BTUH, SUHT and MEHT are invited to:</p> <ul style="list-style-type: none"> • Rescind their individual decisions made in December 2016 to delegate all powers and responsibilities that could safely and legally be delegated to a Success Regime Committee meeting routinely in common as the Joint Working Board; but to • Reserve the right to convene their Success Regime Committee meeting as the Joint Working Board in exceptional circumstances.
Appendices	N/A