



**Board of Directors (held in Public)**  
**Corporate Governance/Regulatory Update**  
**27 April 2023**

**(Item 5.1)**

<b>Presented for:</b>	Information
<b>Accountable Director:</b>	Rod Barnes, Chief Executive
<b>Presented by:</b>	Rod Barnes, Chief Executive
<b>Author:</b>	Lynn Hughes, Interim Company Secretary
<b>Previous Committees:</b>	None
<b>Legal / Regulatory:</b>	Health and Care Act 2022

<b>Key Priorities/Goals</b>	Supports all key priorities/goals
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<b>Strategic Ambition</b>	(✓)	<b>BAF Strategic Risk</b>
1. Patients and communities experience fully joined-up care responsive to their needs		
2. Our people feel empowered, valued and engaged to perform at their best		
3. We achieve excellence in everything we do		
4. We use resources wisely to invest in and sustain services		

<b>Key points</b>	
The report includes developments in Board governance since the last Board of Directors meeting including the Trust's Provider Licence and the NHS England's Code of Conduct for NHS Provider Trusts.	For information
No decision is required from the Board.	
<b>Recommendation</b> The Board is asked to note the update.	

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**Report of the Chief Executive**

**1. INTRODUCTION**

- 1.1 The report provides an update on regulatory and statutory developments relevant to the Trust. Since the last Board of Directors meeting the Trust has received an updated Provider Licence and NHS England has published an updated Code of Governance for NHS providers, which includes expectations of collaboration by NHS Trusts and Foundation Trusts and the governance characteristics that trusts must have in place to support this.

**2. YORKSHIRE AMBULANCE SERVICE NHS TRUST PROVIDER LICENCE**

- 2.1 Following NHS England's consultation launched on 28 October 2022 until 9 December 2022 on the proposed changes to the NHS Provider Licence, the Trust has been issued with an updated Provider Licence. The Provider Licence is effective from 1 April 2023.
- 2.2 The Provider Licence forms part of the oversight arrangements for NHS providers and serves as the legal mechanism for regulatory intervention. Changes to the Provider Licence now incorporates the new statutory framework required to support system working in by the Health and Care Act 2022.
- 2.3 The updated changes include:
- Supporting system working
  - Enhancing the oversight of key services provided by the independent sector
  - Addressing Climate Change
  - Technical Amendments

**3. UPDATED CODE OF GOVERNANCE FOR NHS PROVIDERS**

- 3.1 Following the consultation on the Draft Code of Governance from 27 May to 8 July 2022, NHS England has published an update Code of Governance for NHS Trusts and NHS Foundation Trusts (the Code) [www.england.nhs.uk/publication/code-of-governance-for-nhs-provider-trusts](http://www.england.nhs.uk/publication/code-of-governance-for-nhs-provider-trusts) The Code is effective from 1 April 2023.
- 3.2 The Code was previously in place for NHS Foundation Trusts and has been extended to NHS Trusts to demonstrate NHS England's view that the principles of good governance apply universally to NHS provider Trusts. The Code includes specific provisions that apply to NHS Trusts and Foundation Trusts to reflect the differences in the way they are constituted and established under the NHS regulatory framework.
- 3.3 Following the enactment of the Health and Social Care Act 2022, local health economies now operate through Integrated Care Systems, which are oriented towards collaboration, and provide for NHS organisations and local authorities to work together through Integrated Care Boards and Integrated Care Partnerships. NHS England has emphasised that updating the principles of good governance has a key role to play in supporting NHS Trusts and NHS Foundation Trusts to contribute to the success of their Integrated Care Systems. The Code overlaps between good corporate governance and successful delivery against quality standards, for which Boards are responsible. The Code aims to provide a framework for robust governance standards and leadership, and sets out how provider Trusts should ensure good governance within their own organisation to discharge their existing duties to deliver safe, effective care and effective use of resources as well as their contribution to the objectives of their ICS (Integrated care systems) and system and place-based partnerships.

- 3.4 Applying the Code will require provider Trusts to adopt in respect of compliance on a comply or explain basis. Providers must comply with the applicable provisions of the Code, or explain why they have departed from it. Compliance to the Code is not mandatory, and deviation from it would not breach of the Provider Licence, the Code states that non-compliance may form part of a wider regulatory assessment on adherence to the Provider Licence. Any areas of non-compliance must be supported by an explanation providing sound reasons of how practices are still consistent with the principles set out in the Code, and a clear rationale for the departure with mitigating actions taken to address any risks of non-compliance.
- 3.5 Implications of the new Code are being incorporated into proposed changes to the Trust's governance arrangements and business plan priorities for 2023/24.
- 3.6 The Trust will be required to include evidence of compliance to the Code within its Annual Report and Accounts 2023/24.

#### **4. RECOMMENDATION**

- 4.1 It is recommended that the Board note the content of this report.

#### **5. SUPPORTING INFORMATION**

- 5.1 Appendix 1 – Yorkshire Ambulance Trust Provider Licence.