The Queen Elizabeth Hospital King's Lynn
NHS Foundation Trust

Meeting:	Governors' Council		
Meeting Date:	15 December 2022	**Agenda item:**	9
Report Title:	Update on publication of 'Addendum to Your Statutory Duties'		
Author:	Andrea Prime, Trust Secretary		
Sponsor:	Chris Lawrence, Trust Chair		

Implications

Link to key strategic objectives *[highlight which KSO(s) this recommendation aims to support]*

KSO1	KSO2	KSO3	KSO4	KSO5	KSO6
Safe and compassionate care	Modernise hospital and estate	Staff engagement	Partnership working, clinical and financial sustainability	Healthy lives staff and patients	Investing in our staff

Board assurance framework	N/A	
Significant risk register	N/A	
	Y/N	If Yes state impact/ implications and mitigation
Quality		
Legal and regulatory		
Financial		

Assurance route

Previously considered by:	

Executive summary

Action required: *[highlight **one in bold**]*	Approval	**Information**	Discussion	Assurance	Review

Purpose of the report:	To inform the Governors' Council of the publication of the 'Addendum to Your statutory duties – reference guide for NHS foundation trust governors: System working and collaboration: role of foundation trust councils of governors'. (Hereafter referred to as 'the addendum').
Summary of Key issues:	In October 2022, NHS England published the addendum which supplements '*Your statutory duties: A reference guide for NHS foundation trust governors*'. The addendum: • Introduces the system working context in relation to the Health and Care Act 2022 and the removal of legal barriers to collaboration and integrated care. • Explains that Governors' statutory duties have not changed. However, the context of system working and collaboration brings additional considerations for Governors when undertaking their statutory duties.

	• Notes that the performance of provider trusts will increasingly be judged against their contribution to the objectives of their ICS. • Gives detail on what representing the interests of the public means in the new context, emphasising that 'the public' should include the population of the local system of which the foundation trust is part. It focuses on the statutory duties of governors and additional considerations in relation to each: • Holding the NEDs to account for the performance of the Board. • Representing the interests of trust members and the public. • Taking decisions on significant transactions. Finally, the addendum suggests approaches to support working between the Board and Governors' Council. It emphasises that Governors' key relationships remain with the Directors and the Secretary of their own trust, who should facilitate information sharing about, and any engagement with, system partners. The addendum only applies to a council of governors' statutory role within its *own* foundation trust's governance. NHSE expects councils of governors to act in line with the principles in the addendum.
Recommendation:	The Governors' Council is asked to note this national publication. The Board will consider this guidance to inform a workshop with Governors.
Acronyms:	NHSE – NHS England NEDS – Non-Executive Directors ICS – Integrated Care System
Links:	Addendum to your statutory duties – reference guide for NHS foundation trust governors: System working and collaboration: role of foundation trust councils of governors NHS England » Addendum to your statutory duties – reference guide for NHS foundation trust governors