

Item: 8.2

REPORT CLASSIFICATION	✓	CATEGORY OF PAPER	✓
Official	✓	Proposes specific action	✓
Official: Sensitive Commercial		Provides assurance	
Official: Sensitive Personal		For information only	

**BOARD**

26 March 2024

**Report Title:**

**Constitution of the NHS North East and North Cumbria  
Integrated Care Board**

**Purpose of report**

To present the Board with an updated Constitution for the North East and North Cumbria Integrated Care Board (the ICB).

**Key points**

The Health and Care Act 2022 (the Act) established integrated care boards as part of integrated care systems on 1 July 2022. The aim of the Act was to bring health and care organisations together to provide greater opportunities for collaboration and a shared responsibility for health of local populations in the planning and delivery of services to tackle health inequality and improve quality and outcomes.

The NHS North East and North Cumbria Integrated Care Board (the ICB) is the statutory decision-making body for the commissioning of health services and responsible for the effective stewardship of NHS spending for all the people living in the North East and North Cumbria.

The Constitution and supporting documents set out the framework for the ICB to delegate decision-making authority, functions and resources. The Constitution is fully compliant with NHS England requirements and was formally approved by NHS England on 27 May 2022. The latest version of the Constitution was approved by the Board at its meeting on 30 May 2023 and approved by NHS England on 23 November 2023.

Recent publication of the NHS England Guidance PAR1551 sets out several amendments now needed to the ICB constitutions. A summary of the main changes in the guidance is set out below:

- The removal of clauses relating to the "establishment" of the ICB
- Board Membership 2.2.3 – The appointment of a "Deputy Chair" from Non-executive Members (one of which, but not the Audit Committee Chair, will be appointed Deputy Chair)
- Chair 3.3.4 – The term of office for the Chair will be a maximum of three years and the total number of terms a Chair may serve is three terms. The term of "Deputy Chair" must align with Chair appointment in role.
- Deputy Chair 3.4.1 - The Deputy Chair is to be appointed from amongst the Non-executive members by the Board subject to the approval of the Chair.
- Chair of a Meeting – (Appendix 2 Page 52)  
(4.2.2) If the Chair is absent or is disqualified from participating by a conflict of interest, (the Deputy Chair shall preside over meetings in the Chairs stead.  
(4.2.3) If both the Chair and Deputy Chair are absent or disqualified from participating by a Conflict of Interest there may be a provision for the assembled members to appoint a temporary deputy from the remaining Non-Executive members for the purpose of chairing the meeting.
- A small number of cross-reference changes to other legislation.

Some additional updates have also been made to the ICB Constitution to reflect the changes in line with the revised ICB 2.0 transformation programme of the Executive Team structure and conclusion of the consultation regarding portfolios which will come into effect from 01 April 2024.

The key changes are summarised below and highlighted within the attached Constitution for ease of reference:

Changes to Executive role titles are revised in sections:

- Page 18: Board Membership – section: 2.2.2 paragraph (b)
- Page 19: Board Membership - section: 2.2.3
- Pages 31 – 36: Appointments Process - sections: 3.9 and 3.10; 3.11 and 3.15.3.
- Page 55: Appendix 1: Definitions of terms used in the Constitution - changes to executive role titles.
- Pages 57,60,61 and 64: Appendix 2: Standing Orders - sections: 3.4; 4.7.1, 4.7.4, 4.8.2, 4.9.2, 4.11.3 and 6.1.

Revision to other sections:

- Page 15: Section 1.7.3 (e) - Key Policy Documents: Wording amendment to "Standards of Business Conduct and Declarations Policy" and "Communities and People Involvement and Engagement Strategy for the North East and North Cumbria."
- Page 23: Section 3.3.4 – Chair: terms of office updated to three years terms of office and the Chair may serve three terms.
- Page 25: Section 3.6.4 – Partner Members – NHS Trusts and Foundation Trusts. ICB Chair – changed to local support appointment panel and recruitment processes.
- Page 27: Section 3.7.5 – Partner Member(s) – Providers of Primary Care Medical Services - changed to This member will be appointed by the ICB Chair, supported by an Appointments Panel.
- Page 30: Section 3.8.4 – This member will be appointed by the ICB Chair, supported by an Appointments Panel.
- Page 30: Section 3.8.5 – The appointments process will be: inserted additional narrative (a) – (c).
- Page 61: Section 4.9 – 4.9.2 – Decision Making (section c) – paragraph change to note 2.3 of the Constitution.
- Page 63: Section 4.11.3 – Admission of the public and press "Governing Body Business" changed to "Boards Business".

All hyperlinks within the constitution document that refer to published documentation have been revised to reflect the correct website link: "North East and North Cumbria ICB".

The updated Constitution is attached at **Appendix 1**.

## Risks and issues

- The Constitution changes to be reflective of the request by NHSE Guidance publication PAR1551 and are approved by NHSE in accordance with the Act.

## Assurances

The Constitution reflects the changes as requested.

- The revised ICB 2.0 transformation programme of the Executive Team structure and portfolios from 01 April 2024
- The Constitution amendments reflect the new summary of changes in the NHS England Guidance publication PAR1551
- The Constitution is fully compliant with NHS England requirements

## Recommendation/action required

The Board is asked to:

- Approve the amendments as set out in the summary above.
- Agree for the Constitution to be submitted to NHS England for formal approval.

## Acronyms and abbreviations explained

Integrated Care Board (ICB)						
<b>Sponsor/approving executive director</b>	Claire Riley, Executive Director of Corporate Governance, Communications, and Involvement					
<b>Date approved by executive director</b>	18 March 2024					
<b>Reviewed by</b>	Deborah Cornell, Director of Corporate Governance and Board Secretary					
<b>Report author</b>	Lynda Hutchinson, Head of Corporate Services					
<b>Link to ICP strategy priorities (please tick all that apply)</b>						
Longer and Healthier Lives						✓
Fairer Outcomes for All						✓
Better Health and Care Services						✓
Giving Children and Young People the Best Start in Life						✓
<b>Relevant legal/statutory issues</b>						
Note any relevant Acts, regulations, national guidelines etc						
<b>Any potential/actual conflicts of interest associated with the paper?</b> (please tick)	Yes		No	✓	N/A	
If yes, please specify						
<b>Equality analysis completed</b> (please tick)	Yes		No		N/A	✓
<b>If there is an expected impact on patient outcomes and/or experience, has a quality impact assessment been undertaken?</b> (please tick)	Yes		No	✓	N/A	
<b>Key implications</b>						
<b>Are additional resources required?</b>	None					
<b>Has there been/does there need to be appropriate clinical involvement?</b>	Not Applicable					
<b>Has there been/does there need to be any patient and public involvement?</b>	Not Applicable (original Constitution was subject to wide engagement)					
<b>Has there been/does there need to be partner and/or other stakeholder engagement?</b>	Not Applicable (original Constitution was subject to wide engagement)					