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| Meeting: | ICS Board |
| Report Title: | ICS Board Draft Terms of Reference |
| Date of meeting: | Thursday 11 April 2019 |
| Agenda Item Number: | 13. |
| Work-stream SRO: | David Pearson |
| Report Author: | Joanna Cooper |
| Attachments/Appendices: | None |

Report Summary:

At the meeting on 15 March, the ICS Board considered amendments made to the draft ICS Board Terms of Reference (TOR). The Board agreed the recommendation that legal advice should be sought on the draft TOR in particular in relation to decision making, voting and accountability arrangements.

Independent legal advice has been obtained and an overview of the key points to be addressed is outlined below:

- The role and responsibilities of the Board are not as clearly set out as they could be and a clearer link to the ICS Memorandum of Understanding (MOU) is advised.
- Further work is needed to clarify the Board’s ability to make decisions. This must distinguish between system related matters and matters set out in the MOU, and those which relate to a statutory duty and remain the responsibility of statutory bodies.
- As the Board is non-statutory and relies on consensus decision-making consideration needs to be given to the voting arrangements. The TOR should be strengthened in respect of decision making, dispute resolution and the role of the Chair in facilitating agreement

It is proposed that an independently facilitated session is arranged for some or all members of the Board to resolve the issues raised above. This short session could be arranged to form part of the development session (already in diaries) on 18 June OR a separate workshop could be convened by the end of May, if preferred.

Action:

- To note
- To agree
- To agree the recommendation/s (see details below)

Recommendations:

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| 1. | To note the independent legal advice provided to the ICS Board on the draft TOR. |
| 2. | To decide whether the Board will dedicate time to develop the ICS Board TOR during part of an independently facilitated workshop on 18 June or whether the option of a smaller group meeting in May is preferred. |

Key implications considered in the report:

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| Financial | <input type="checkbox"/> | |
| Value for Money | <input type="checkbox"/> | |



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| Risk | <input type="checkbox"/> | |
| Legal | <input checked="" type="checkbox"/> | |
| Workforce | <input type="checkbox"/> | |
| Citizen engagement | <input type="checkbox"/> | |
| Clinical engagement | <input checked="" type="checkbox"/> | |
| Equality impact assessment | <input type="checkbox"/> | |
| Engagement to date: | | |
| Board | Partnership Forum | Finance Directors Group |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Performance Oversight Group | Clinical Reference Group | Mid Nottinghamshire ICP |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Planning Group | Greater Nottingham ICP | Workstream Network |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Contribution to delivering the ICS: | | |
| Health and Wellbeing | <input checked="" type="checkbox"/> | |
| Care and Quality | <input checked="" type="checkbox"/> | |
| Finance and Efficiency | <input checked="" type="checkbox"/> | |
| Culture | <input checked="" type="checkbox"/> | |
| Is the paper confidential? | | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| <p>Note: Upon request for the release of a paper deemed confidential, under Section 36 of the Freedom of Information Act 2000, parts or all of the paper will be considered for release.</p> | | |