

NORTH EAST LINCOLNSHIRE CLINICAL COMMISSIONING GROUP INTEGRATED GOVERNANCE & AUDIT COMMITTEE

Minutes OF THE MEETING HELD ON 22/03/2021 AT 09:30AM

MEMBERS PRESENT:

Tim Render – Chair and Governing Body Lay Member
Cllr Margaret Cracknell – Union Board NELC Member
Philip Bond – Governing Body Lay Member
Joe Warner - Chief Executive focus (Adult Social Care representative)
David Walker – Community Forum Lay Member

ATTENDEES PRESENT:

Laura Whitton – Chief Finance Officer
Lynne Popplewell – Head of Finance
Rob Walker - Mazard
Peter Hanmer – NELC Audit
Stephen Moss - Audit Yorkshire
Kim Betts – Audit Yorkshire
Claire Stocks – Governance Assurance Officer

APOLOGIES:

Debbie Baker – NELC Audit
Helen Kemp Taylor – Audit Yorkshire
Dr Severin – GP Member
Mark Kirkham- Mazars

1 APOLOGIES RECEIVED

Apologies were received as noted above.

2 DECLARATIONS OF INTEREST

There were no declarations of interest recorded. It was noted that on-going declarations of interest stood for every Integrated Audit and Governance meeting and were publicised on the CCG's website.

3 APPROVAL OF PREVIOUS MINUTES

The Minutes of the previous meeting held on 7th December were approved.

4 ACTION TRACKER

All Actions had been completed or will be picked up as part of this meeting.

Item 9 Performance Deep Dive – the Committee queried whether it was possible to receive an overview of numbers of people who did not receive treatment due to the Covid-19 pandemic. It was noted that the performance of the health system was discussed at the March Governing Body and it would be helpful to share the details from the minutes with this Committee. The key issue is the size of waiting lists and how providers will deal with these lists.

Action: Performance section of the March Governing Body minutes to be shared with the Committee

5 Internal Audit Plan for 21/22

a. CCG/NHS Plan

K Betts presented the report.

Work is underway on all areas that require completion for the year end Head of Internal Audit Opinion. There is nothing of concern to draw to the Committee's attention and assurance can be provided at this point.

Work has commenced on the mandated audits:

- Conflicts of interests– completed.
- Governance and Risk Management Arrangements audit – almost completed.
- Data Security Protection Toolkit (DSPT)
- Key Financial Systems and Budgetary Control

The proposed number of audit days for 2021/22 is 66 as per the agreed tender bid. The plan is somewhat tight with the number of mandated audits required for the NHS and for the Head of Internal Audit Opinion. Time is also allocated for the Head of Audit Opinion, management time to attend meetings and for audit follow ups. 5 days of contingency are included in the plan.

Audit Yorkshire aims to do the Mental Capacity Act audit across all CCGs in order that any good practice can be shared. The implementation of Liberty Protection Safeguards is required by April 2022.

The Contract Management audit was brought forward from the current year. This was not delivered due to the change in Internal Audit provider.

10 days have been allocated to the Humber Coast and Vale ICS – System Governance and Transition arrangements audit. This may not be an audit but rather a critical friend advisory piece of work to ensure that the CCG continues to be safe and legal during the period of transition.

The draft plan has been discussed with L Whitton and P Hanmer to ensure that audit plans are not conflicting and that the Audit teams can work together when necessary.

b. Adult Social Care plan

P Hanmer confirmed that progress on the Adult social care/ Union related audits (Item 12a on the agenda) is good, but that changes have been made to the plan. The Department of Health and Social Care has requested a lot of assurance on the infection control fund and how the money is being used. Work is ongoing to support the adult social care team.

The audit to review the partnership governance arrangements relating to the "Union" was started; however, has been paused due to the significant changes anticipated as a result of the White paper. Discussions are taking place with management around how to provide assurance around partnership arrangements going forward. The audit is likely to be a summary of how well arrangements have worked.

It is anticipated that most of the plan will be completed by the deadlines, although it was noted that there would be some challenges ahead.

9:50am Philip Bond joined the meeting

The internal audit plan for 2021-22 is being drafted. A meeting will be held with the Director of Adult Social care during w/c 29th March. The draft plan will be submitted to the Committee on completion. The Committee provided the following feedback:

- Feedback was provided to Committee Chairs and administrators around the recording of declarations of interest, ie, interest to be recorded at the start of the meeting and on the actual agenda item together with details of action taken, eg, the Committee member left or remained in the meeting.
- Clarification was sought regarding the Head of Internal Audit Opinion. K Betts confirmed that there are two drafts. One was completed recently but does not provide a proper opinion as not much of the work had been completed at that stage. Audit One confirmed that they were not prepared to give a Head of Internal Audit opinion due to the insufficient work in the plan at the beginning of the year. The next draft opinion is due on 27th April; at which point two, possibly three, audits will have been completed.
- It is important to continue to focus on what the CCG and this Committee are mandated to do and the controls that are needed; whilst looking at what will change in terms of governance and decision making.
- Clarification was sought whether any changes in legislation as a result of Brexit will impact on the work of this Committee/the CCG, eg, GDPR? C Stocks confirmed that GDPR will remain in existence but in a UK framework. A lot of work has been completed with the Data Protection officer around Brexit and information governance and sharing of information. This included confirming if any personal data was processed outside of the UK, and if so obtaining the relevant assurances from its system suppliers that handle and process personal data to ensure ongoing compliance. A number are outstanding; we are closing monitoring if an agreement is not received, the use of standard contractual clauses. will be put in place. These issues are being picked up at the IG Steering Group; the minutes are shared with this Committee. Members were advised to raise any questions or concerns with J Haxby or C Stocks.

It was noted that procurement regulations are also due to change.

It was agreed that the issue of legislation changes would be added to the Forward plan as a standing item for the remainder of the year.

Action: Forward plan to be updated.

The Committee formally approved the 2021/22 Internal Audit plan.

6 Annual Report & Accounts

Lynne Popplewell presented the report.

a. Accounting Policies

This item was deferred as the policies had not been issued by NHSE.

Post meeting note: the Accounting Policies were circulated on 25th March.

b. Timetable

27th April at 9am – draft annual accounts submission.

15th June at 9am – final annual accounts submission. This is slightly later than previous years.

There are no issues foreseen with meeting the deadlines.

T Render reminded the Committee that there was an Extra ordinary meeting on 21st April to review the draft accounts and a full Committee meeting on 10th June prior to the final submission.

The Committee noted that the finance team will be very busy during Q1 due to the complications of budgeting for 2021/22 at the same time as the final accounts for 2020/21 need to be prepared.

c. Finance scheme of delegation

The only amendment to the scheme of delegation was the addition of the Risk committee, which was set up during 2020 in light of the Covid-19 pandemic. The financial scheme of delegation will be kept under review working alongside the other CCGs and the developing ICS.

It was agreed that any changes required during the next financial year as the ICS/ICP develop need to be submitted to the Committee for formal approval.

d. Draft report – Position Statement

C Stocks presented the report.

There were no significant changes from previous Annual reports. Due to the Covid-19 pandemic, the following mandatory inclusions were designated as optional omissions:

- The performance analysis
- Sickness absence data
- Staff turnover disclosure

The Senior Leadership Team agreed to the omission and acknowledged the requirement to replace the performance analysis with a performance appraisal/synopsis.

A lot of focus of the Annual report will be around the CCG's response to Covid-19 during phases 1, 2 and 3 and the CCG's recovery plans. CCGs must also review the extent to which they have contributed to the delivery of any joint health and wellbeing strategy, working in consultation with each relevant Health and Wellbeing Board. Reference will be made to changes in governance and how it has worked during the pandemic, eg, the creation of the Risk Committee and the step down of Committees. The Annual Governance statement will also make reference to this.

Key completion dates:

22 January (5pm) - Month 9 Governance Statement (data collection return) – completed.

12th March (noon) - A full copy of the draft Head of Internal Audit Opinion Completed

27 April (noon) - Draft annual report as approved by the Accountable Officer

A full copy of the draft Head of Internal Audit Opinion statement

15 June (9am) Full audited and signed annual report including Annual Accounts as approved, signed and dated by the Accountable Officer and appointed auditors, as one composite document

A full copy of the final Head of Internal Audit Opinion statement

Action: C Stocks to circulate this after the meeting.

Post meeting note: this was circulated to the Committee on 23rd March.

The Committee provided the following feedback:

- Concerns were raised regarding omitting information relating to performance, given the significant issues around delayed consultations and treatment across the whole system. C Stocks confirmed that information relating to performance, eg, what areas have been put on hold or have not been able to be delivered, will be included in the synopsis/appraisal. It was requested that the areas of concern in the quarterly Performance report (Item 14) be included in the annual report.

Action: C Stocks to liaise with M Rabbetts and N Smaller to ensure that the performance issues are included in the annual report

- Confirmation was sought that public engagement work will be included in the annual report. It was confirmed that engagement with the public is a statutory function and the CCG is required to report on this.

The Committee noted the reports.

7 Humber Coast & Vale ICS / NEL Place Update

L Whitton shared a presentation (please refer to attached) which set out the current proposals for changed organisational arrangements for CCGs (for which the necessary legislation has not yet been published).



HCV ICS NEL Place Update.pptx

- The elements that are currently the responsibility for NHSE and all of the current CCG responsibilities will transfer into the ICS. There are subsidiary elements within the ICS; provider collaboratives and place-based partnerships. There is also interaction with local government.
- The ICS will be 2 separate bodies: 1/ NHS body focused on NHS funding with responsibility to NHS services. 2/ Health and care partnership (equivalent of the Health and Wellbeing board).
- Within HCV there are 2 geographic partnerships (Humber and North Yorkshire and York).
- It is likely that 80% of what CCGs currently do would still need to be done at place and neighbourhood. Other things will be done across a wider footprint. Discussions are taking place to work this through.
- A number of workstreams have been set up to shape the development of the ICS and the governance arrangements. Joint working is taking place across the 4 Humber CCGs and the acute Trusts and acute Mental health providers etc.
- Work is also underway regarding the future of the Union and the development of the ICP and NEL Place. Development groups have been set up with workstreams sitting underneath for governance, people and OD, contracting, finance etc. There is overlap in all of the various elements; discussions are taking place on how to avoid duplication and ensure that everything is streamlined and moving in the right direction; whilst also ensuring that the CCG remains safe during the transition phase.

The Committee provided the following feedback:

- There was a query at the Union Board regarding the role of public engagement in the ICS/ICP. Community forum and Accord provide excellent vehicles of communication and engagement with the public and it is important to retain those links. L Whitton confirmed that public engagement is being discussed as part of this work and is considered one of the real success stories of the CCG. It was noted that the workstreams are looking at what engagement and touch points are included as part of the whole process. The public will be given the opportunity to input to enable some of the shaping of the new arrangements.
- Will this and other Committees continue in the ICS/ICP? L Whitton advised that it is anticipated that these sorts of meetings will continue, and it is key to retain those things that work well in the current arrangements within the new model.
- Does the Department of Health recognise the situation in NEL in terms of Adult social care and joint working between the CCG and Local Authority? L Whitton emphasised that a lot of the modelling/shaping of the ICS is the responsibilities of the workstreams. Rob Walsh is actively

involved in this work. It was noted that the message around maintaining the integration and special relationship that already exists is being taken forward at all levels.

- Is there a timeframe for the Department of Health to make formal decisions/ confirm the legislation? It was confirmed that the legislation is not anticipated until approximately June. The aim is to be working in a shadow form in the second half of 2021. Weekly meetings of the 4 CCG leadership teams are taking place to drive this work forward. There is a lot of matrix working looking at how to do things once where possible in the interim period and also where things need to be done separately.
- It was acknowledged that this is an evolving agenda and it is important for the Committee to continue to be updated, as one of its responsibilities is monitoring governance arrangements and decision making. It is important to ensure that the control responsibilities with the CCG are not lost within the transformation.

The Committee noted the update.

8 Assurance Reporting

C Stocks presented the report:

- Following on from previous discussions, there has been a review of the approach to risk management in order to develop a more integrated approach across performance and CCG priorities with single monitoring and reporting via the CCG's Operating Leadership Team (OLT).
- A proposal was submitted to and agreed by SMT and OLT:
 - Separate Performance, Risk, Business Plan progress reports to be shared with OLT (monthly) for organisational oversight.
 - OLT to review or service leads review with line managers/risk managers.
 - Devote quarterly OLT to discuss the risks/performance/actions and identify areas to report to IG&A by exception.
 - One combined report to service leads to request updates (be clear as to what is required for each area)
 - Reports by exception (identify by OLT) provided to IG&A on a quarterly basis.
- The first reports were submitted to OLT on 2nd March. Further work is required on the Corporate plan, but this will be included going forward. The exceptions identified at the OLT meeting are highlighted in the BAF and Risk Register Report (Item 15).
- The governance team will continue to review the full Risk Register.
- The full BAF and Risk Register were shared with the Committee for members to raise any concerns.

The Committee provided the following feedback:

- The Committee supported the new integrated approach. Risk management needs to be seen as an integral part of what managers are doing.
- T Render requested that the BAF/Risk Register and Performance updates be shared with the Governing Body in view of the significant performance issues and related risks reported.
- A focused review of the new approach and how it is working to be added to a future meeting agenda.

Action: Review of the new approach to be added to the September forward plan

The Committee noted the update.

9 21/22 Finance and Planning

L Whitton shared a slide presentation (please refer to attached)



21.22 Finance &
Planning.pptx

The Committee acknowledged that the current situation is very complicated, and that the CCG is unable to set out a budget before the start of the financial year due to the current constraints. As the Department of Health are underwriting the costs and mandating what needs to be done, it is less of a risk for control, but the Committee will need to know the totals and what will be paid out. This is a concern in terms of control of activities, but it is not within the CCG's control.

It was confirmed that some focused work is underway across the ICS to understand what the underlying financial positions are in order that when CCGs move out of the revised regime, they will be clearer about the potential gaps and what action to take in a managed way. If the bottom up approach identifies a gap between budget and forecast spend that is larger than the top down gap, agreement will be needed as an integrated system around how to address it.

The Committee agreed that updates would be required throughout the year to ensure that the appropriate arrangements are in place to maintain control this year despite the uncertainties. This will be a major focus of this Committee's concern.

The Committee noted the update.

10 Information Governance Annual SIRO Report

Jan Haxby presented the report:

Control of Patient Information privacy (COPI) notice - during 20/21 the COPI notice was put into place nationally to enable health and care organisations to legally share information that they had not shared previously, eg, to protect and provide support and services to those patients who were vulnerable and/or might need to shield and for monitoring and tracking and managing the Covid-19 outbreaks. The notice was put in place early in the first wave of the pandemic and has recently been extended until September 2021. If it is not extended again, the CCG will have to review all of the arrangements in place and ensure that any information sharing/processing that need to continue will be assessed and will comply with legal requirements.

Data Security and Protection toolkit (DSPT) - the toolkit was affected by the Covid-19 pandemic in 2020 and some organisations chose to extend the date by which they had to submit the 2019/20 toolkit. The CCG chose to submit by the usual deadline (end of March). There was a change to some of the requirements and standards for the 2020/21 toolkit, eg, compliance against a cyber security "**essential plus**" standard was no longer required. As it was considered to be a significant risk by the IGSG, the CCG continued to work towards the standard to reach compliance. Compliance has not yet been met regarding mandatory data security awareness training as a number of people still need to complete the training. Individuals are receiving reminders. Non-compliance is a risk and would be picked up by the ICO's office.

The aim was to submit the toolkit by the end of March deadline; however, it may be necessary to delay submission until 12th April in order to ensure that all evidence is collated prior to submission.

Information Assets – the CCG continues to maintain an Information Assets register as required as part of the DPST. There were no identified risks in this area.

Information governance awareness – the CCG shared awareness to staff via email communications, bulletins, presentations etc; however, the floor walk did not occur during 2020/21 due to the pandemic. Discussion have taken place at the Joint Leadership Meeting to establish what risks are likely to pose a concern as staff continue to work either from home or more agilely. A piece of work will be done to look at how to receive assurance that staff are complying with information governance requirements.

Information governance related incidents – there have been no significant reportable (to the ICO) incidents during 2020/21. There have been a number of incidents with staff using the incorrect recipient in an email. The risks of this are potentially high as the email could contain documents or identifiable information; however, there was no identifiable or confidential information in the reported incidents.

Data Protection Impact Assessments – these continue to be undertaken to assess the impact of any particular service change that might happen on information flows and access. This provides assurance that the CCG has a structured approach.

The Committee provided the following feedback:

- It appears that there are additional requirements each year in term of management of information; is the CCG effectively and properly resourced to do everything that is required? J Haxby confirmed that the workload is currently being managed, however if more work were required, additional resource would need to be sought.
- J Haxby and the Governance team/Data Protection colleagues were thanked for their hard work.

The Committee noted the update.

11:10am D Walker left the meeting.

FOR INFORMATION ONLY

11 External Audit update

R Walker brought the following to the Committee's attention:

- The Mental Health investment standard work has been completed. A draft report has been produced and it is estimated that the final statements and reports will be published in mid-April.
- The VFM arrangements are set out in the report. A plan for the next financial year would usually be in place at this time. External Audit may look at some sort of audit action if there was serious failure in the arrangements as this is a potential risk. The Committee will receive an update when Mazars have completed their report setting out the arrangements. Any significant issues will be reported immediately.

12 a Internal Audit Progress Update

b Counter Fraud Progress Update

c Draft 2021/22 Counter Fraud Plan

d Briefing note re the Government Functional Standard

The new government counter fraud standards were brought to the Committee's attention. There are now 13 requirements on the standards; the majority of which largely map across with the old NHS counter fraud authority standards. The review at the end of this year will be based on the old CFA standards and there will be a benchmarking exercise to the new 13 counter fraud standards. This is a

national issue and CFA have acknowledged that this will be a baseline year. They will be looking for some improvements on the submission in 12 months' time. The Committee will monitor this during the year.

The Committee confirmed that they were supportive of the Counter Fraud annual plan.

Items 13 to 22 were circulated for information only and were not discussed at the meeting:

13	Q3 Finance Report (Inc Adult Social Care)	Circulated
14	Q3 Performance Report	Circulated
15	Board Assurance Framework and Risk Report	Circulated
16	Policies for Ratification (standing item)	None to report
17	Quarterly FOI Report	Circulated
18	Sub Committee Minutes (A & IG) - Information Governance	Circulated
19	Standing Order Waivers (standing item)	None to report
20	Schedule of Virtual Decisions (standing item)	None to report
21	Independent Assurance Reports (standing item) a. NHSLA Assessment (Claims) Report b. Findings of any Ombudsman Investigation in relation to the CCG or its services c. Determination of any Tribunal held in relation to the CCG	None to report
22	Finance Assurance Subgroup minutes (standing items)	None to report

23 Items for Escalation to the Board

It was agreed that the BAF/Risk Register and Performance updates would be shared with the Governing Body.

24 Any Other Business

There were no items of any other business.

Date and Time of Next meeting

21st April, 4-5pm Extraordinary IG and Audit Committee meeting (review draft accounts).
10th June, 1-2:30pm, IG and Audit Committee meeting