

NHS England Freedom of Information Response re: the legal status of Sustainability and Transformation Plans and the appointments process for the Leads and Chairs of STPs.

Received 7 June 2019

Freedom of Information request (Our Ref: FOI-059110)

Thank you for your Freedom of Information (FOI) request dated 28 April 2019

Your exact request was:-

“Please could you provide me with the following information under the Freedom of Information Act 2000

- The statutory basis on which the Chief Executives/Leads of the 44 Sustainability and Transformation Partnerships were appointed.
- The statutory basis on which the Independent Chairs of the 44 Sustainability and Transformation Partnerships were appointed.
- The appointment process for the Chief Executives/Leads of the 44 Sustainability and Transformation Partnerships

(I am interested here in understanding who took the decision to appoint, for example the name of a committee, body or individual within NHS England)

- The appointment process for the Independent Chairs of the 44 Sustainability and Transformation Partnerships

(Again, I am interested here in understanding who took the decision to appoint, for example the name of a committee, body or individual within NHS England)

- The title of the person within NHS England who is responsible for the performance appraisal for each of the Chief Executives/Leads and Independent Chairs of the 44 STPs
- The job description for the Chief Executives/Leads and Independent Chairs of the 44 STPs
- The statutory basis on which NHS England issued the consultation “Implementing the NHS Long Term Plan Proposals for possible changes to legislation”

<https://www.longtermplan.nhs.uk/wp-content/uploads/2019/02/nhs-legislation-engagement-document.pdf>”

NHS England holds some recorded information in relation to this request.

The statutory basis on which the Chief Executives/Leads of the 44 Sustainability and Transformation Partnerships were appointed.

The statutory basis on which the Independent Chairs of the 44 Sustainability and Transformation Partnerships were appointed.

It may help if we explain that Sustainability and Transformation Partnerships (STPs) are not legal entities in their own right, rather they are areas covering all of England, where local NHS organisations and councils drew up shared proposals to improve health and care in the areas they serve.

As an STP is not a legal entity, it doesn't have a Chief Executive Officer.

STP chairs and Independent Leads are appointed as per the process set out later in this response and not by any one organisation alone. They are not statutory appointments.

The appointment process for the Chief Executives/Leads of the 44 Sustainability and Transformation Partnerships

The appointment process for the Independent Chairs of the 44 Sustainability and Transformation Partnerships

The lead of each STP was either identified through local agreement on who had the confidence of local parties to carry out this leadership role, or where this was not the case the lead was identified through open competition.

These competitions were conducted locally, with a local host as the employing organisation and Chairs, where in place, were identified in a similar way.

Following the publication of the NHS Long Term Plan requiring more formal system governance, the appointment process was updated:

- The general rule is that both STP leads and chairs should be appointed through open competition, including publicly advertising the role, a person specification for the role, and considering applications on a fair and consistent basis from anyone who meets the person specification.
- The exception to this general rule is where an STP wishes its lead to be an existing NHS Trust chief executive, Clinical Commissioning Group accountable officer, or senior council leader, who would combine the role with their existing role. In these circumstances the role does not need to be advertised publicly but there should be a fair process for determining which of its existing leaders should fulfil the role.

The title of the person within NHS England who is responsible for the performance appraisal for each of the Chief Executives/Leads and Independent Chairs of the 44 STPs

NHS England does not hold information in relation to this request.

The job description for the Chief Executives/Leads and Independent Chairs of the 44 STPs

NHS England does not hold information in relation to this request.

You may wish to contact individual STPs in relation to this element of your request. Contact details can be found below;

<https://www.england.nhs.uk/integratedcare/stps/view-stps/>

The statutory basis on which NHS England issued the consultation "Implementing the NHS Long Term Plan Proposals for possible changes to legislation"

NHS England issued "Implementing the NHS Long Term Plan Proposals for possible changes to legislation" in February 2019.

NHS England has a wide general power under Section 2 of the NHS Act 2006 to "do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on [it] by this Act" which includes the issuing of consultations such as this.