



Department of Health & Social Care

Our ref: DE-1539862

Dear Dr Nouri,

Thank you for your recent correspondence about NHS Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care Board (BOB ICB). I have been asked to reply. I appreciate the council's concerns about how the proposed changes to the ICB's operating model may affect how it carries out its functions, which include the commissioning of NHS services.

ICBs are responsible for setting out their governance structure in accordance with the NHS Act 2006. The legislation also requires ICBs to publish its constitution, along with other supporting documents outlining the ICBs governance arrangements. While ICBs have flexibility over its own governance arrangements, any changes to its constitution or governance arrangements must be approved by NHS England.

The issues you have raised seem to be focused on the internal operations of the ICB as an organisation and, therefore, do not appear to be proposals for changing the arrangements for providing NHS services. Based on the documents you have provided, the issues raised are not in scope of the intervention powers set out in Schedule 10A of the National Health Service Act 2006.

The powers depend on there being a proposal by an NHS commissioner, in this case BOB ICB, for a reconfiguration of NHS services. This means a change in the arrangements made by an NHS commissioning body for the provision of NHS services where that change has an impact on the manner in which an NHS service is delivered to individuals, at the point when the service is received by users, or the range of NHS services available to individuals.

It would not be appropriate for ministers to intervene in these arrangements using the call-in powers as set out in the statutory guidance, which can be found at www.gov.uk/government/publications/reconfiguring-nhs-services-ministerial-intervention-powers.

We would, therefore, encourage the council to continue to work with the ICB. We understand that David Radbourne, NHS England Regional Director of Strategy and Transformation for the South East, has offered meetings to discuss this issue locally, including with the ICB and MPs, and I hope the council can continue to engage, as appropriate.

I appreciate this may not be the reply you and the council were hoping for, but I hope it is helpful in setting out the Department's position.

Yours sincerely,

Correspondence Officer
Ministerial Correspondence and Public Enquiries
Department of Health and Social Care