



Department
of Health



Health Research Authority

**Framework Agreement
between the Department of Health and the
Health Research Authority
2015**

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Signed

Dame Sally C. Davies

Chief Medical Officer,
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Signed

Dr Janet Wisely

Chief Executive, Health Research Authority

1. Purpose of this document

1.1 The purpose of this document is to define the critical elements of the relationship between the Department of Health (Department) and the Health Research Authority (HRA). The document is focused on:

- How the Department and HRA will work in **partnership** to serve patients, the public and the taxpayer; and
- How both HRA and the Department discharge their **accountability** responsibilities effectively.

2. HRA's purpose

2.1 The HRA is an executive non-departmental public body (NDPB) established by the Care Act 2014, which can be found on the Parliamentary website via the link below:

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

Its main functions relate to the co-ordination and standardisation of practice relating to the regulation of health and social care research and ensuring it recognises or establishes ethics committees as an efficient and effective means of assessing the ethics of health and social care research.

The main objective of the HRA in exercising its functions is:

- to protect participants and potential participants in health or social care research and the general public by encouraging research that is safe and ethical; and
- to promote the interests of those participants and potential participants and the general public by facilitating the conduct of research that is safe and ethical (including by promoting transparency in research).

2.2 Many members of the public want the opportunity to participate in research. HRA makes sure that health research involving them is ethically reviewed and approved, that people are provided with the information they need to help them decide whether they wish to take part, and that their opportunity to do so is maximised by simplifying the processes by which high quality research is assessed. In doing this, HRA will help to build both public confidence and participation in health research, and so improve the nation's health.

3. Governance

3.1 HRA is led by a board made up of:

- a non-executive chair appointed by the Secretary of State for Health;
- **at least three but no more than four** non-executive members, also appointed by the Secretary of State;

- a Chief Executive Officer appointed by the non executive members with the Secretary of State's consent ; and
- other executive board members: the total number of executive members must be fewer than the number of non-executive members.

3.2 The Permanent Secretary has appointed a Senior Departmental Sponsor (SDS) who acts as HRA's designated consistent point of contact within the Department. The SDS will act as the link at executive level between HRA and the senior officials of the Department, and also with Ministers. Whilst the SDS role is facilitative and recognises the need for direct engagement between HRA and other parts of the Department and Ministers, it also supports the Permanent Secretary in holding HRA to account and providing assurance on its performance. The SDS is currently the Chief Medical Officer. The SDS will be supported by a Departmental sponsor team, which will be the principal day-to-day liaison between the Department and HRA.

Process for setting objectives

3.3 The HRA's legislative framework describes its general functions. The process for setting objectives for the HRA is through the business planning process.

3.4 HRA will produce a business plan each year demonstrating how it will meet its legal duties and deliver its objectives. The Department will provide guidance to support this process, which will include target budgets covering administration, programme, revenue and capital funding. HRA will reach agreement with the Department on its business plan. To facilitate comment from the Department, including relevant ministers, the business plan will be shared and discussed in advance of clearance with HRA's board. HRA will be made aware of any concerns the Department may have.

Discharge of statutory functions

3.5 HRA ensures that it has appropriate arrangements in place for the discharge of each of the statutory functions for which it is responsible and is clear about the legislative requirements associated with each of them, specifically any restrictions on the delegation of those functions. It ensures that it has the necessary capacity and capability to undertake those functions, and will ensure that it has the statutory power to take on a statutory function on behalf of another person or body before it does so. HRA also ensures that there is periodic audit of the discharge of its statutory functions so that the delivery of them remains effective, efficient and legally compliant.

Cross-government clearance

3.6 In addition to internal governance, cross-government clearance is required for major new policy decisions of the type set out in Cabinet Office guidance.¹ Although such

¹ Guide to Cabinet and Cabinet Committees, <http://www.cabinetoffice.gov.uk/resource-library/cabinet-committees-system-and-list-cabinet-committees>, pages 6-9

cases are likely to be small in number, the Secretary of State will be responsible for obtaining clearance and HRA will adhere to any conditions applied through the clearance process. There will also be cases where the Secretary of State must consult Cabinet colleagues before giving the Government's view, even if collective agreement is not required. In such cases, HRA will supply the Secretary of State with any information he or she needs in a timely fashion.

4. Accountability

Secretary of State

4.1 The Secretary of State is accountable to Parliament for the health system (its "steward"), including HRA. The Department supports him or her in this role. This involves:

- setting national priorities and monitoring the whole system's performance to ensure it delivers what patients, people who use services and the wider public value most;
- setting budgets across the health system, including for HRA;
- setting objectives for HRA;
- supporting the integrity of the system by ensuring that funding, legislation and accountability arrangements protect the best interests of patients, the public and the taxpayer;
- ensuring that Department and NHS activity is consistent with *Managing Public Money*; and
- accounting to Parliament for HRA's performance and the effectiveness of the health and care system overall.

To support this accountability the Deputy Director of the Research and Development Directorate chairs sponsorship meetings and quarterly accountability meetings with HRA as representative of the SDS. These involve HRA's Chief Executive Officer, the Finance Director and other relevant executive directors, depending on the meeting content. The focus of the meetings will be on strategic issues and any issues of delivery which the sponsor team believes it is appropriate to bring to this meeting. These meetings will support the shared principles and will be structured to promote

2. ALBs should include a review of this in their three-year audit cycle but ensure that they take steps to sufficiently assure themselves on an annual basis and include details of this within their governance statements.

openness, constructive challenge and the identification and resolution of strategic issues.

The Principal Accounting Officer and HRA's Accounting Officer

- 4.2 The Department's Permanent Secretary is the Principal Accounting Officer (PAO) and so is accountable in Parliament for the general performance of the health system in England, including that of HRA. This requires him or her to gain assurance that HRA in discharging its statutory duties and meeting the objectives set out in its Business Plan. In this way the PAO is able to give Parliament an informed account of the Department's stewardship of the public funds it distributes and for which it holds overall accountability.
- 4.3 The Department's Permanent Secretary, as the Department's Principal Accounting Officer (PAO), has appointed HRA's Chief Executive Officer as its Accounting Officer (AO). The AO may be called to account for the performance of HRA in Parliament. The PAO can also be held to account in Parliament since the PAO's oversight should allow him or her to assess the adequacy of HRA's stewardship of public funds and discharge of its duties. This assessment includes making judgments about whether HRA is operating to adequate standards of regularity, propriety, feasibility and value for money (assessed for the Exchequer as a whole).
- 4.4 The PAO's oversight of HRA's performance relies upon the provision of information, and processes to enable both parties to review performance.
- 4.4.1 The information provided to the Department by HRA on a quarterly basis includes:
- Performance Assurance Report, which includes Key Performance Indicators covering progress against the business plan deliverables along with indicators of organisational health;
 - Finance Report covering revenue, capital and income; and
 - HRA's corporate risk register covering high level strategic risks and business risks
- 4.4.2 The processes in place to enable the Department and HRA to review performance include:
- **Quarterly accountability meetings** chaired by the representative of the SDS with HRA's Chief Executive Officer, the Finance Director and other relevant executive directors depending on the meeting content. The meetings cover the Health Research Authority Performance Assurance Report which includes Key Performance Indicators and measures delivery against its business plan objectives, its finance position and overall risk register. The DH sponsor team seeks input from relevant DH function and policy leads prior to the meetings and if

necessary invites them to attend, depending on the meeting content. The meetings are formally minuted.

- **Sponsorship meetings** which focus on strategic issues and any issues of delivery which it is appropriate to bring to this meeting. The DH sponsor team seeks input from relevant DH function and policy leads prior to the meetings and if necessary invites them to attend, depending on the meeting content. These meetings are formally minuted.
- **Finance Bilaterals** with HRA's Finance Director, DH Finance and HRA sponsor team.
- **Regular informal communication** between HRA's Chair, Chief Executive Officer or Executive Team to manage day to day operational matters. These take place as and when necessary and are key to delivering a mutual 'no surprises' approach.
- HRA must prepare and lay before Parliament an annual report on how it has exercised its functions during the year and send a copy to the Secretary of State. HRA must also prepare annual accounts and send copies to the Secretary of State and the Comptroller and Auditor General (C&G).

4.5 HRA is responsible for the delivery of its objectives and the Department will limit the circumstances in which it will intervene in its activities. The following constraints do, however, apply:

4.5.1 All funds allocated to HRA must be spent on the statutory functions of HRA. If any funds are spent outside the statutory functions of HRA the Department could seek adjustments to the grant in aid for running costs (administration) to compensate.

4.5.2 If the Secretary of State considers that HRA is significantly failing in its duties and functions he or she is able to intervene and issue directions to HRA. In the first instance, the Secretary of State could direct HRA about how it carried out its functions. If HRA failed to comply with such directions, the Secretary of State could either discharge the function himself, or make arrangements for another body to do so on his behalf. The Secretary of State will always publish his or her reasons for any intervention.

4.6. The Secretary of State may remove any non-executive member from the Board on the grounds set out in Schedule 7 of the Care Act 2014. These include incapacity, misbehaviour or failure to carry out his or her duties as a non-executive member.

5. HRA's Board

- 5.1 HRA is governed by its board. The role of the board is as described in the corporate governance code for central government departments² and includes establishing and taking forward the strategic aims and objectives of HRA, consistent with its overall strategic direction and within the policy resources framework determined by the Secretary of State, holding its executive management team to account and ensuring the organisation is able to account to Parliament and the public for how it has discharged its functions.
- 5.2 The board is led by the non-executive Chair, who is responsible to the Secretary of State for ensuring that HRA's affairs are conducted with probity, and that HRA's policies and actions support it in the discharge of its functions and duties efficiently and effectively and meet HRA's objectives, including those set out in its business plan. The SDS will ensure that there is an annual objective setting and review process in place for the Chair. The Chair, Chief Executive and non-executive directors are responsible for appointing the executive directors to the board.
- 5.3 HRA's Chair and non executive directors are appointed by the Secretary of State. Appointments will be transparent, will be made on merit, and are regulated by the Commissioner for Public Appointments.
- 5.4 The responsibilities of the Chief Executive Officer, including as Accounting Officer, are:
- Safeguarding the public funds and assets for which the Chief Executive has charge;
 - Ensuring propriety, regularity, value for money and feasibility in the handling of those funds;
 - The day-to-day operations and management HRA;
 - Ensuring that HRA is run on the basis of the standards (in terms of governance, decision-making and financial management) set out in *Managing Public Money*, including seeking and assuring all relevant financial approvals;
 - Together with the Department, accounting to Parliament and the public for HRA's financial performance and the delivery of its objectives;
 - Accounting to the Department's Permanent Secretary, who is Principal Accounting Officer for the whole of the Department of Health's budget, providing a line of sight from the Department to HRA; and
 - Reporting quarterly to the PAO on performance against HRA's objectives, to be discussed at one of the formal quarterly accountability meetings chaired by the Deputy Director of the Research and Development Directorate.

³. The corporate governance guidelines (available at http://www.hm-treasury.gov.uk/psr_governance_corporate.htm) are written for central government departments, although, as it says in the guidelines, "the principles in the Code generally hold across other parts of central government, including departments' arm's length bodies".

- 5.5 The responsibilities of the board as a whole include supporting the Accounting Officer in ensuring that HRA exercises proper stewardship of public funds, including compliance with the principles laid out in *Managing Public Money*; and ensuring that total capital and revenue resource use in a financial year does not exceed the amount specified by the Secretary of State.
- 5.6 The board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The board has set up an Audit Committee, chaired by an independent non-executive member with significant experience of financial leadership at board level. The committee has at least four members although this can be fewer if the board feels that is justified and at least half of these should be main board members. The internal and external auditors are invited to all meetings and are allowed to see all meetings and be allowed to see all the papers.

6 Partnership working

- 6.1 To support the development of this relationship, the Department and the HRA have agreed to a set of shared principles:
- Working together for patients, people who use services and the public, demonstrating our commitment to the values of the NHS set out in its Constitution;
 - Respect for the importance of autonomy throughout the system and the freedom of individual organisations to exercise their functions in the way they consider most appropriate;
 - Recognition that the Secretary of State is ultimately accountable to Parliament and the public for the system overall. The HRA will support the Department in the discharge of its accountability duties and the Department will support HRA in the same way; and
 - Working together openly and positively. This includes working constructively and collaboratively with other organisations within and beyond the health and social care system.
- 6.2 The Department and HRA work together, and with the Department's other arm's length bodies, in the interests of patients, people who use services and the public to maximise the health and wellbeing gain for the population, working to the values set out in the NHS Constitution. To support this, HRA and the Department will follow an 'open book' approach. In the case of issues with an impact on the development or implementation of policy, the Department can expect to be kept informed by HRA. In the same way, the Department will seek to keep HRA apprised of developments in policy and Government. There are likely to be some issues where the Department or HRA will expect to be consulted by the other before the Department or HRA makes either a decision or a public statement on a matter. The Department and HRA will make clear which issues fall into this category in good time. The sponsor team will be responsible for ensuring that this works effectively.

- 6.3 To support the Secretary of State and the Principal Accounting Officer in their accountability functions, the Secretary of State has the power to direct HRA to disclose to him or her, such information as he or she feels necessary to fulfil their duties with respect to the health system. It is therefore expected that the Department will, when required, have full access to HRA's files and information. If necessary, the SDS's team will be responsible for prioritising these requests for information.

Emergency preparedness, resilience and response

- 6.4 The HRA will maintain an Incident Response Plan that establishes the framework for response to a major incident or emergency situation. The HRA is neither a Category 1 nor Category 2 Responder (as defined in the Civil Contingencies Act) so will not be called upon to participate in local or national responses. Nevertheless, HRA premises or staff could be involved in a major incident or emergency so the organisation must be prepared to react accordingly to safeguard its staff and protect its business interests. Further, a major incident or emergency for the HRA could include significant disruption to staff, premises or critical business systems so it must plan to respond accordingly. An important and related part of the incident response planning process will be Business Continuity Plans to mitigate the risks associated with loss of resources (including staff) and critical systems.

Public and Parliamentary Accountability

- 6.5 The Department and its ALBs share responsibility for accounting to the public and to Parliament for policies, decisions and activities across the health and care sector. Accountability to Parliament will often be demonstrated through parliamentary questions, MPs' letters and appearances before parliamentary committees. Accountability to the public may be through the publication of information on HRA's website, as well as through responses to letters from the public and responses to requests under the Freedom of Information Act.
- 6.6 The Department and its ministers remain responsible to Parliament for the system overall, so will often have to take the lead in demonstrating this accountability. Where this is the case, HRA will support the Department by, amongst other things, providing information for ministers to enable them to account to Parliament. In its turn, the Department will provide leadership to the system for corporate governance, including setting standards for performance in accountability.
- 6.7 HRA will, however, have its own responsibilities in accounting to the public and to Parliament, and its way of handling these responsibilities will be agreed with the Department. In all matters of public and parliamentary accountability the Department and its ALBs will work together considerably, cooperatively and collaboratively, and any information provided by HRA will be timely, accurate and, where appropriate, consistent with information provided by the Department. To facilitate this, the Department and HRA have agreed a public and parliamentary accountability protocol that sets out how they will work together to secure the confidence of the public and Parliament, and to maintain the service levels that MPs and the public have come to expect.

7 Transparency

- 7.1 HRA is an open organisation that will carry out its activities transparently. It will demonstrate this by proactively publishing on its website its annual report and key information on areas including pay, diversity of the workforce, performance, the way it manages public money and the public benefits achieved through its activities, and by supporting those who wish to use the data by publishing the information within guidelines set by the Cabinet Office³. HRA will hold open board meetings in line with the Public Bodies (Admission to Meetings) Act 1960. The annual report will include a governance statement, which will be shared for comment with DH SDS prior to submission to HRA Audit and Risk Committee and subsequent approval by HRA's Chief Executive.
- 7.2 To underpin the principles of good communication, 'no surprises' and transparency, HRA and the Department will put in place arrangements for managing communications. Further details are provided in Annex C.
- 7.3 HRA's executive and non-executive board members will operate within the general principles of the corporate governance guidelines set out by HM Treasury⁴. They will also comply with the Cabinet Office's Code of Conduct for Board Members of Public Bodies⁵ and with HRA's rules on disclosure of financial interests contained in the provisions on the membership of HRA's board.
- 7.4 HRA has a code of conduct for board members and a separate code for all staff, (including contractors and agency staff) and volunteer REC members who will comply with the principles in the Cabinet Office's model code for staff of executive non-Departmental public bodies⁶, which includes rules on conflicts of interest, political activity and restrictions on lobbying.
- 7.5 HRA will take all necessary measures to ensure that:
- patient, personal and/or sensitive information within its care and control is well managed and protected through all stages of its use, including through compliance with the Data Protection Act;
 - it provides public assurance in respect of its information governance practice by completing and publishing an annual information governance assessment using an agreed assessment mechanism;
 - it meets its legal obligations for records management, accountability and public information by compliance with relevant standards, including government and

³ The guidance is available on the HM Treasury website: http://www.hm-treasury.gov.uk/psr_transparency_index.htm

⁴ The corporate governance guidelines (available at http://www.hm-treasury.gov.uk/psr_governance_corporate.htm) are written for central government departments, although, as it says in the guidelines, "the principles in the Code generally hold across other parts of central government, including departments' arm's length bodies".

⁵ <http://www.bl.uk/aboutus/governance/blboard/Board%20Code%20of%20Practice%202011.pdf>

⁶ http://www.civilservice.gov.uk/wp-content/uploads/2011/09/5_public_body_staffv2_tcm6-2484.pdf

- NHS codes of practice on confidentiality, security and records management;
and
- HRA's Senior Information Risk Owner (SIRO) and Caldicott Guardian will work together to ensure that both patient and other personal information are handled in line with best practice in government and the wider public sector.

Whistleblowing

7.6 The HRA, similar to the Department and all its ALBs, has whistleblowing policies and procedures in place that comply with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) and best practice guidance. The use of confidentiality clauses that seek to prevent staff from speaking out on issues of public interest is prohibited.

Sustainability

7.7 As a major public sector body, HRA has a key role to play in driving forward the government's commitment to sustainability in the economy, society and the environment. As a minimum, HRA should comply with the Greening Government Commitments⁷ that apply to all government departments, executive agencies and non-departmental public bodies, set out in the action plan for driving sustainable operations and procurement across government. Reporting will be via the Department (including the consolidation of relevant information in the Department's annual resource account), and the Department will ensure that HRA is aware of the process for this.

8 Audit

- 8.1** The HRA will lay its annual report and accounts before Parliament, including the Comptroller and Auditor General's audit certificate and audit report..
- 8.2** The Comptroller and Auditor General may also choose to conduct a value-for-money audit of any aspect of HRA's work: HRA will cooperate fully with the NAO in pursuing such audits, and give them full access to all relevant files and information.
- 8.3** HRA is responsible for establishing and maintaining internal audit arrangements in accordance with the Public Sector Internal Audit Standards. HRA's internal audit function should report to its Audit and Risk sub-committee, and should consider issues relating to HRA's adherence to its business plan. The Department's Audit and Risk Committee remit includes risk management, corporate governance and assurance arrangements in all its subsidiary bodies and so HRA's Audit and Risk Committee should work closely with the Departmental committee.

9 Delegations and financial management

⁷ <http://sd.defra.gov.uk/documents/Greening-Government-commitments.pdf>

- 9.1 Details of HRA's financial arrangements, including funding allocation, in-year reporting, preparation of accounts, and the accounting officer's responsibilities in relation to financial management and HRA's accounts, are provided in Annex B.
- 9.2 HRA's overall revenue and capital resources are set out in an annual allocation letter issued by the Department on behalf of the Secretary of State. More details are provided in Annex B.
- 9.3 HRA's delegated authorities are issued to it by the Department, including those areas where the HRA must obtain the Department's written approval before proceeding. HRA will adhere to these delegated authorities.
- 9.4 HRA must demonstrate that it is delivering its functions in the most efficient manner, and must provide timely returns to the Department where these are required either by it or by other departments within central government.
- 9.5 HRA, as with all public bodies and government departments, must operate within any relevant set of efficiency controls. These controls may affect areas of spend such as information communications technology (ICT), marketing and advertising, procurement, consultancy, the public sector estate, recruitment, major projects or strategic supplier management. The Department will ensure that HRA is kept informed of any efficiency controls in operation.
- 9.6 As part of the government's approach to managing and delivering public service at a reduced cost base, HRA, as with all other arm's length bodies and the Department, will have the option of receiving its back office support, including finance and accounting, HR, payroll, procurement and ICT, through a shared or standardised service approach. In such a case, details of the services between HRA and the service provider will be set out in contract or where appropriate a service level agreement (SLA).
- 9.7 A shared or standardised value for money approach will also apply to the use of estate. HRA will comply with guidance on property and asset management issued by HMT / the Department and in particular the principles set out by the Department's set out by the Department's Estate Strategy Optimisation Board.

10 Risk management

- 10.1 HRA will ensure that it deals with the risks that it faces in an appropriate manner, according to best practice in corporate governance, and develop a risk management strategy in accordance with the Treasury guidance *Management of Risk: Principles and Concepts*⁸. It will adopt and implement policies and practices to safeguard itself against fraud and theft, in line with HM Treasury guidance on tackling fraud⁹ It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

⁸ http://www.hm-treasury.gov.uk/d/orange_book.pdf

⁹ http://www.hm-treasury.gov.uk/psr_managing_risk_of_fraud.htm

- 10.2 HRA has developed a reporting process to assure its board of financial and operational performance against the business plan at its board meetings held every month. This assurance report will include information on risks and how they are being managed in accordance with the Treasury guidance mentioned above. The information prepared will be shared with the Department to enable the Department to assure itself on risk management. HRA's Audit and Risk Committee will also challenge and scrutinise the operation of HRA's risk management processes and report to the Board on the effectiveness of its processes. HRA and the Department will agree a process and trigger points for the escalation of risks to the Department's Audit and Risk Committee, where those risks will have a potentially significant impact on HRA, the Department or the wider system that requires a co-ordinated response.
- 10.3 Risks to the wider system that arise from HRA's operations, identified by HRA, DH or another body, will be flagged in the formal quarterly accountability meetings. Such risks may also be flagged by the HRA's Board and escalated to the DH Audit and Risk Committee for consideration. It is the responsibility of HRA and its sponsor to keep each other informed of significant risks to, or arising from, the operation of the ALB within the wider system.
- 10.4 HRA will have effective and tested business continuity management (BCM) arrangements in place to be able to respond to disruption to business and to recover time-critical functions where necessary. In line with Cabinet Office guidelines, the BCM system should aim to comply with ISO 22301 Societal Security – Business Continuity Management Systems.

11 Human resources

- 11.1 HRA is responsible for recruiting staff, but will comply with any departmental or Government-wide recruitment controls. The Department will ensure that HRA is made aware of any such recruitment controls. Very senior manager remuneration is subject to the recommendations of the Senior Salaries Review Body, as accepted by Government.
- 11.2 HRA will be expected to comply with all HMT pay reporting requirements.
- 11.3 In relation to remuneration of the rest of its staff, HRA, as with all executive non-departmental public bodies, is subject to the annual pay remit process, which regulates the pay setting arrangements for its staff (those who are not very senior managers). However, HMT has agreed that NDPBs where staff are on NHS terms and conditions including pay will be subject to the government response to the recommendations of the NHS Pay Review Body. This agreement will remain in place until such time as HRA introduces a new pay system at which point it will become subject to the full rigour of the annual pay remit process. HRA will be expected to comply with all HMT reporting requirements.

11.4 . In relation to remuneration, HRA, as with all executive non-departmental public bodies, is subject to the pay remit process, which regulates the pay setting arrangements for its staff (those who are not very senior managers). The pay remit provides a framework within which HRA sets:

- The pay envelope for the year;
- Pay strategies; and
- Pay reporting.

11.5 .HM Treasury has delegated the approval of executive non-departmental public bodies' pay remits to parent departments. HRA is therefore required to submit its pay remit proposals to the Department for approval.

11.6 In relation to pensions, the organisational pension scheme is the NHS Pensions scheme, which is administered by the NHS Business Services Authority and has rules set down in legislation

11.7 Like all departments and arm's length bodies, HRA will be required to follow any requirements for disclosure of pay or pay-related information.

11.8 Subject to its financial delegations, HRA is required to comply with the Department's and HM Treasury's approval processes in relation to contractual redundancy payments. In certain circumstances, Ministerial and Cabinet office approval may also be required and the Department will ensure that HRA is aware when such approval may be required. All novel or contentious payments require the Department's and HM Treasury's approval. In certain circumstances, Ministerial and Cabinet office approval may also be required and the Department will ensure that HRA is aware when such approval may be required. Special severance payments are always considered novel or contentious (this includes any proposal to make a payment as a result of judicial mediation).

Equalities

11.9 The public sector equality duty requires HRA (as a public body) to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.10 The specific duties require HRA, as a public body, to:

- Annually, publish information to demonstrate compliance with the Public Sector Equality Duty. This information must include, in particular, information relating to persons who share a relevant protected characteristic who are its employees (provided the organisation has 150 or more employees) and other persons affected by its policies and procedures.
- Prepare and publish one or more objectives it thinks it should achieve to meet the Public Sector Equality Duty.¹⁰

12 Relations with the Department's other arm's length bodies

- 12.1 HRA will work in partnership with the Department and its other arm's length bodies, in the interests of patients, people who use services and the public, to maximise the health and wellbeing gain for the population, and working to the values set out in the NHS Constitution.
- 12.2 The Department and its arm's length bodies have complementary but distinct roles within the system to ensure that service users receive high quality services which deliver value for public money. HRA has important working relationships with the bodies set out in Annex D.

13 Review

- 13.1 HRA's objectives and business plan will continue to be reviewed formally on an annual basis. There is flexibility to review objectives within the year in order to respond to emerging priorities.
- 13.2 The Department will regularly review HRA's performance at formal accountability meetings. In addition, the Department will adhere to government policy and undertake an in-depth triennial review of HRA as well as its other arm's length bodies.
- 13.3 HRA is established by the Care Act 2014. Any change to its core functions or duties therefore requires further primary legislation.
- 13.4 This agreement will be reviewed every three years, or sooner upon request of either party.

¹⁰ This was required by 6 April 2013, and is required every four years thereafter