

<b>Meeting title:</b>	Trust Board - Public	<b>Public Trust Board paper R</b>			
<b>Date of the meeting:</b>	14 September 2023				
<b>Title:</b>	Amendments to the Trust Establishment Order for Blue Light Driving				
<b>Report presented by:</b>	Becky Cassidy, Director of Corporate and Legal Affairs				
<b>Report written by:</b>	Steve Murray, Assistant Director of Corporate and Legal Affairs				
<b>Action – this paper is for:</b>	Decision/Approval		Assurance		Update x
<b>Where this report has been discussed previously</b>	None Required				

**To your knowledge, does the report provide assurance or mitigate any significant risks? If yes, please detail which**

**Impact assessment**

- Patients – No direct impact
- Workforce – clarifies that BLD is a permitted activity
- Equality, Diversity & Inclusion – No impact
- Services – clarifies that BLD is a permitted activity
- Finance – No direct impact
- Reputation/legal – clarifies that BLD is a permitted activity

Acronyms used:  
**BLD** Blue Light Driving  
**DHSC** Department of Health and Social Care

**Purpose of the Report**

To assure the Trust Board that BLD is a permitted activity, and the appropriate action has taken place to incorporate this within the Trusts Establishment Order.

**Recommendation**

The Trust Board are asked to note the amendment to the Establishment Order.

**Summary**

The purpose of this report is to advise the Trust Board about a recent change to its Establishment Order which clarifies that Blue Light Driving by UHL staff falls within its permitted activities.

## **Main report detail**

The Trust operates paediatric transport services which transfers critically ill patients between hospitals. Recently there was some discussion as to whether BLD was a permitted activity under the Trust's 1999 Establishment Order. BLD is important as it serves to protect Trust Staff should they be involved in a road traffic incident when undertaking their duties but in possible breach of the criminal law (eg speeding or failing to conform to a traffic signal ie 'going through a red light').

The 1999 Establishment Order envisaged health services for the NHS being provided from Glenfield Hospital, Leicester General Hospital and Leicester Royal Infirmary. Whilst this included community services it was not clear that this necessarily included BLD.

In order to clarify the position, the DHSC were approached about the issue and the Minister indicated a willingness to amend the Trust's Establishment Order to clarify the point. Legal advice was obtained by the Trust and representations were made to the DHSC.

The wording of Article 3 of the 2023 Establishment Order came into force on 29<sup>th</sup> July 2023, and by removing the previous references to named hospitals, BLD is clearly a permitted activity. A number of 'tidying' provisions were also made, and the full amendments are detailed below with the key amendment being at Article 3.

Article 2 amends article 1 of the Establishment Order to remove definitions which are no longer needed in consequence of the amendments made by this Order.

Article 3 sets out the functions of the trust as being to provide goods and services for the purposes of the health service.

Article 4 updates a legislative reference (but otherwise maintains the requirement that one of the trust's non-executive directors is appointed from the University of Leicester).

Article 5 omits the specification of the trust's "operational date" as it is of no on-going relevance.

Article 6 revokes articles 7 and 8 of the Establishment Order as they are of no on-going relevance.

## **Supporting documentation**

None