This publication was withdrawn in October 2026

This framework has been superseded by the Framework agreement between DHSC and the Human Tissue Authority: 2026 to 2029.

Department of Health & Social Care

Human Tissue Authority

Framework agreement between the Department of Health and Social Care and the Human Tissue Authority

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Signed by	Signed by
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(On behalf of the Department)	(On behalf of the Human Tissue Authority)

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1. Introduction and background

Purpose of document

1.1 This framework agreement has been agreed between the Department of Health and Social Care (DHSC) and the Human Tissue Authority (HTA) in accordance with HM Treasury's handbook Managing Public Money (as updated from time to time) and has been approved by HM Treasury.

1.2 The framework agreement sets out the broad governance framework within which the HTA and DHSC operate. It sets out the HTA's core responsibilities; describes the governance and accountability framework that applies between the roles of DHSC and the HTA; and sets out how the day-to-day relationship works in practice, including in relation to governance and financial matters.

1.3 The document does not convey any legal powers or responsibilities, but all parties agree to operate within its terms.

1.4 References to the HTA include all its subsidiaries and joint ventures that are classified to the public sector and central government for national accounts purposes. If the HTA establishes a subsidiary or joint venture, there shall be a document setting out the arrangements between it and the HTA agreed with DHSC.

1.5 Copies of the document and any subsequent amendments have been placed in the libraries of both Houses of Parliament and made available to members of the public on the HTA's website and on GOV.UK.

1.6 This framework agreement should be reviewed and updated at least every 3 years unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the principal accounting officer of the sponsor department. The latest date for review and updating of this document is 2025.

Objectives

1.7 DHSC and the HTA share the common objective of maintaining public and professional confidence by ensuring that the removal, storage and use of human tissue and organs are undertaken safely, ethically and with proper consent. To achieve this the HTA and DHSC will work together in recognition of each other's roles and areas of expertise, providing an effective environment for the HTA to achieve its objectives through the promotion of partnership and trust and ensuring

that the HTA also supports the strategic aims and objectives of DHSC and wider government as a whole.

Classification

1.8 The HTA has been classified as a central government organisation by the Office for National Statistics/HM Treasury Classifications team.

1.9 It has been administratively classified by the Cabinet Office as a non-departmental public body (NDPB).

2. Purposes, powers, duties and aims

Purposes

2.1 The HTA is an independent regulator established under the Human Tissue Act 2004 (the HT Act). Its remit and general functions are set out in sections 14 and 15 of, and schedule 2 to, that Act.

Powers and duties

2.2 The HTA's powers and duties are set out in the HT Act, in particular in part 2.

2.3 The HTA's statutory duties include:

- licensing organisations that remove, store and use human tissue for certain purposes under the HT Act
- licensing organisations involved in preparing tissues and cells for use in patient treatment as required by the Human Tissue (Quality and Safety for Human Application) Regulations 2007 (as amended)
- licensing organisations involved in organ procurement and transplantation as required by the Quality and Safety of Organs Intended for Transplantation Regulations 2012 (as amended)
- superintending compliance with the requirements of the legislation and the HTA's Codes of Practice
- assessment of living organ donations to ensure donors are protected from duress or coercion, and that no reward is offered or given
- providing information, advice and guidance to the public and professionals about the nature and purpose of activities within the HTA's remit
- monitoring developments relating to activities within the HTA's remit and advising the Secretary of State, the relevant Northern Ireland department or Welsh ministers on related issues

Aims

2.4 The HTA's strategic aims are set out in the HTA Strategy 2021-2024. These are:

- further developing our regulatory model and tools to improve outcomes for patients and the public. In particular, the introduction of new regulatory tools and approaches. A number of our licensed establishments will have already experienced some changes such as to licensing and the roll out of Virtual Regulatory Assessments. These will continue alongside our more traditional site visit inspections as these are gradually reintroduced.

- internal innovation to target regulatory interventions better. Greater exploitation of advances in data analytics and technology and the pursuit of data sharing between trusted partners to enhance risk insight and to reduce data collection burdens.

- contributing to a life sciences system-wide approach that will promote the UK as a world leading regulatory environment for innovation in the life sciences. We have an opportunity to use our position within the system and our expertise to become a leading voice in the life sciences landscape.

- collaboration with other regulators. With the move to our new office premises in Stratford, we will be co-locating with a number of partner organisations. This close proximity will allow us to foster even closer strategic relationships with those regulators working across the health and care sector and we are already playing a leading role in the regulators round table, advising ministers on future regulation.

- collaboration with other partner bodies. We plan to improve how we communicate and work with stakeholders so that regulatory considerations are hard-wired into innovation and do not become a barrier or an afterthought. We will also act as a convener amongst system partners to deal with specific challenges of which regulatory issues may form a part.

- saying farewell to a number of well-established board members and welcoming a number of new appointees. We will use this as an opportunity to strengthen our governance arrangements and with their support and encouragement focus more on equality, diversity and inclusion.

3. Governance and accountability

3.1 The HTA shall operate corporate governance arrangements that, so far as practicable and in the light of the other provisions of this framework agreement or as otherwise may be mutually agreed, accord with good corporate governance practice and applicable regulatory requirements and expectations.

3.2 In particular (but without limitation), the HTA should:

- comply with the principles and provisions of the Corporate governance in central government departments code of good practice (as amended and updated from time to time) to the extent appropriate and in line with their statutory duties or specify and explain any non-compliance in its annual report

- comply with Managing Public Money in so far as it does not contradict the governance arrangements laid out in the legislation pertaining to the HTA.

- in line with Managing Public Money, have regard to the relevant functional standards as appropriate and in particular those concerning finance, commercial and counter fraud

- take into account, the codes of good practice and guidance set out in Annex A of this framework agreement, as they apply to arm's length bodies

3.3 In line with annex 3.1 of Manging Public Money, the HTA shall provide an account of corporate governance in its annual governance statement including the board's assessment of its compliance with the code with explanations of any material departures. To the extent that the HTA does intend to materially depart from the code, the sponsor should be notified in advance and their agreement sought to this approach.

4. Role of the department

The responsible minister

4.1 The Secretary of State for Health and Social Care is accountable to Parliament for all matters concerning the HTA.

4.2 The Secretary of State is responsible for the policy framework within which the HTA operates and has statutory powers in relation to the activities to which the HT Act applies. The Secretary of State also has powers in respect of the HTA which are set out in the HT Act.

4.3 These are:

- power by regulations to add to the activities within the remit of the HTA (section 14(4))
- power to require advice from the HTA on activities within the HTA's remit (section 15(f))
- power through regulations to add to, vary or omit activities for which an HTA licence is required (section 16(5))
- power to approve the HTA code of practice before publication (section 29(1))
- power to appoint the chair and the non-executive members of the HTA, and to determine their terms of appointment and remuneration (schedule 2)
- power to remove or suspend the chair and non-executive members (schedule 2)
- providing the HTA with funding (schedule 2)
- power to direct the HTA, with the approval of the Treasury, as to the form the HTA's accounts must take and power to give a notice specifying the date by which the accounts must be submitted to the Secretary of State, the Welsh Ministers, relevant Northern Ireland department and the Comptroller and Auditor General (schedule 2)

Appointments to the board

4.4 The chair is appointed by the Secretary of State for Health and Social Care under paragraph 1(a) of schedule 2 to the HT Act. This appointment is subject to the Public Appointments Order in Council and as such must comply with the Governance Code on Public Appointments.

4.5 Non-executive members are appointed by the Secretary of State for Health and Social Care under paragraph 1(b) of schedule 2 to the HT Act. These appointments are subject to the Public Appointments Order in Council and as such must comply with the Governance Code for Public Appointments.

4.6 As set out in paragraph 1 of schedule 2 to the HT Act, of the non-executive members:

- such numbers as Secretary of State sees fit are appointed by the Secretary of State for Health and Social Care
- one is appointed by the Welsh ministers
- one is appointed by the relevant Northern Ireland department

4.7 All such appointments should have regard to the principle that appointments should reflect the diversity of the society in which we live, and appointments should be made taking account of the need to appoint boards which include a balance of skills and backgrounds.

Other ministerial powers and responsibilities

4.8 The Secretary of State is also responsible for:

- the policy framework within which the HTA operates
- setting the performance framework within which the HTA will operate including approving the HTA's Strategy and business plan
- provides guidance and direction to ensure the strategic aims and objectives of the HTA are consistent with those of the department and government
- matters regarding spending approvals, acquisitions, disposals, and joint ventures in line with delegations as set out in the delegation letter

The principal accounting officer

4.9 The principal accounting officer is the permanent secretary of DHSC.

4.10 The principal accounting officer of DHSC designates the chief executive as the HTA’s accounting officer and ensures they are fully aware of their responsibilities. The principal accounting officer issues a letter appointing the accounting officer, setting out their responsibilities and delegated authorities.

4.11 The respective responsibilities of the principal accounting officer and accounting officers are set out in chapter 3 of Managing Public Money.

4.12 The principal accounting officer is accountable to Parliament for the issue of grant-in-aid to the HTA.

4.13 The principal accounting officer is also responsible, usually via the sponsorship team, for advising the Secretary of State on:

- an appropriate framework of objectives and targets for the HTA in the light of the department's wider strategic aims and priorities
- an appropriate budget for the HTA in the light of the sponsor department's overall public expenditure priorities
- how well the HTA is achieving its strategic objectives and whether it is delivering value for money
- the exercise of the ministers' statutory responsibilities concerning the HTA

4.14 The principal accounting officer, via the sponsorship team, is also responsible for ensuring arrangements are in place in order to:

- monitor the HTA's activities and performance
- address significant problems in the HTA, making such interventions as are judged necessary
- periodically, and at such frequency as is proportionate to the level of risk, carry out an assessment of the risks both to DHSC and the HTA's objectives and activities in line with the wider departmental risk assessment process
- inform the HTA of relevant government policy in a timely manner
- bring ministerial or departmental concerns about the activities of the HTA to the full HTA board and, as appropriate, to the departmental board requiring explanations and assurances that appropriate action has been taken

The role of the senior departmental sponsor

4.15 A director is appointed as the senior departmental sponsor who acts as the HTA's designated, consistent point of contact within DHSC and manages their overall relationship with DHSC. The senior departmental sponsor acts as the link at executive level between the HTA and senior officials of DHSC, and with ministers.

4.16 Whilst the senior departmental sponsor role is facilitative and recognises the need for direct engagement between the HTA and other parts of DHSC and ministers, it also supports the Secretary of State and Permanent Secretary in holding the HTA to account. The senior departmental sponsor is also responsible for agreeing the objectives for, and reviewing the contribution of, the chair of the HTA.

The role of the sponsor team

4.17 The HTA sponsor team in DHSC supports the senior departmental sponsor and is the primary contact for the HTA. The responsible senior civil servant for this relationship is the director of the directorate that the sponsor team is a part of. They are the main source of advice to the Secretary of State on the discharge of their responsibilities in respect of the HTA. They also support the principal accounting office on their responsibilities toward the HTA.

4.18 The sponsor team will liaise regularly with counterparts in the HTA to support effective corporate relationships and co-ordinate assurance and accountability functions.

4.19 Officials of the sponsor team will liaise regularly with HTA officials to review performance against plans, achievement against targets and expenditure against its departmental expenditure limit and annual managed expenditure allocations. The HTA and the sponsor team will hold quarterly accountability meetings. The sponsor team will also take the opportunity to explain wider policy developments that might have an impact on the HTA.

4.20 Information will be provided to DHSC by the HTA including (not an exhaustive list):

- quarterly business scorecards that show performance against agreed key performance indicators and monthly budgetary performance returns to finance
- monthly updated strategic risk register
- annual governance statement

4.21 The process in place to enable DHSC and the HTA to review performance include:

- quarterly accountability meetings between HTA and the sponsor team
- attendance of officials from DHSC, as observers, of the full authority and HTA Audit and Risk Assurance Committee
- the HTA will also prepare an annual report of the 12 months ending on 31st March, setting out the its activities, how it has discharged its statutory duties, and what

progress it has made towards its objectives. The report will also set out activities the HTA proposes to undertake in the succeeding 12-month period

Resolution of disputes between the HTA and DHSC

4.22 Any disputes between DHSC and the HTA will be resolved in as timely a manner as possible. DHSC and the HTA will seek to resolve any disputes through an informal process in the first instance. If this is not possible, then a formal process, overseen by the senior departmental sponsor, will be used to resolve the issue. Failing this, the senior departmental sponsor will ask the relevant policy director general to oversee the dispute. They may then choose to ask the Permanent Secretary to nominate a non-executive member of DHSC's board to review the dispute, mediate with both sides and reach an outcome, in consultation with the Secretary of State.

Freedom of Information requests

4.23 Where a request for information is received by either party under the Freedom of Information Act 2000, or the Data Protection Act 1998 or Data Protection Act 2018, the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibilities.

Reporting on legal risk and litigation

4.24 The HTA shall provide a quarterly update to the sponsor on the existence of any active litigation and any threatened or reasonably anticipated litigation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the sponsor in a timely manner.

4.25 In respect of each substantial piece of litigation involving the HTA, the parties will agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:

- material developments in the litigation are communicated to the sponsor in an appropriate and timely manner
- legally privileged documents and information are clearly marked as such
- individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege

- circulation of privileged information within government occurs only as necessary

5. The HTA governance structure

The chief executive

Appointment

5.1 The chief executive of the HTA is appointed by the board of the HTA at the discretion of the chair and with the approval of the Secretary of State for Health and Social Care.

Responsibilities of the HTA's chief executive as accounting officer

5.2 The chief executive as accounting officer is personally responsible for safeguarding the public funds for which they have charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the HTA. In addition, they should ensure that the HTA as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in box 3.1 of Managing Public Money. These responsibilities include the below and those that are set in the accounting officer appointment letter issued by the principal accounting officer of the sponsor department.

Responsibilities for accounting to Parliament and the public

5.3 Responsibilities to Parliament and the public include:

- signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State

- preparing and signing a governance statement covering corporate governance, risk management and oversight of any local responsibilities, for inclusion in the annual report and accounts

- ensuring that effective procedures for handling complaints about the HTA, in accordance with Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling, are established and made widely known within the HTA and published on the HTA's website

- acting in accordance with the terms of Managing Public Money and other instructions and guidance issued from time to time by DHSC, HM Treasury and the Cabinet Office

- ensuring that as part of the above compliance they are familiar with and act in accordance with:
    - any governing legislation
    - this framework agreement
    - any delegation letter issued to body
    - any elements of any settlement letter issued to the sponsor department that is relevant to the operation of the HTA
    - any separate settlement letter that is issued to the HTA from the sponsor department
- ensuring they have appropriate internal mechanisms for the monitoring, governance and external reporting regarding compliance any conditions arising from the above documents
- giving evidence, normally with the principal accounting officer, when summoned before the public accounts committee on the HTA’s stewardship of public funds

Responsibilities to DHSC

5.4 Responsibilities to DHSC include:

- establishing, in agreement with DHSC, the HTA's corporate and business plans in the light of DHSC's wider strategic aims and agreed priorities
- informing DHSC of progress in helping to achieve DHSC's policy objectives and in demonstrating how resources are being used to achieve those objectives
- ensuring that:
    - timely forecasts and monitoring information on performance and finance are provided to DHSC
    - DHSC is notified promptly if over or under spends are likely and that corrective action is taken
    - any significant problems - whether financial or otherwise and whether detected by internal audit or by other means - are notified to DHSC in a timely fashion

Responsibilities to the board

5.5 The chief executive is responsible for:

- advising the board on the discharge of their responsibilities as set out in this document, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time
- advising the board on the HTA's performance compared with its aims and objectives
- ensuring that financial considerations are taken fully into account by the board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed

Managing conflicts

5.6 The chief executive should follow the advice and direction of the board, except in very exceptional circumstances with a clear cut and transparent rationale for not doing so.

5.7 If the board, or its chair, is contemplating a course of action involving a transaction which the chief executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility or is unethical, the chief executive, in their role as accounting officer, should reject that course of action and ensure that the board have full opportunity to discuss the rationale for that rejection.

5.8 Such conflicts should be brought to the attention of the principal accounting officer and the responsible minister as soon as possible.

5.9 Furthermore, and if agreed with the responsible minister, the accounting officer must write a letter of justification to the chair of the board setting out the rationale for not following the advice and recommendation of the board and copy that letter to the Treasury Officer of Accounts.

5.10 If the responsible minister agrees with the proposed course of action of the board, it may be appropriate for the minister to direct the accounting officer in the manner as set out in Manging Public Money paragraph 3.6.6 onwards.

The HTA board

Composition of the board

5.11 The HTA will have a board in line with good standards of corporate governance and as set out in in its establishing statute and in guidance as set out in Annex A. The role of the board shall be to direct the HTA, and to deliver the objectives, in accordance with the purposes as set out above, their statutory, regulatory, common law duties and their responsibilities under this framework agreement. Detailed responsibilities of the board shall be set out in the board terms of reference. Remuneration of the board will be disclosed in line with the guidance in the government Financial Reporting Manual (FReM).

5.12 The board will consist of a non-executive chairperson and such number of other non-executive members, appointed by the Secretary of State, as the Secretary of State thinks fit that have a balance of skills and experience appropriate to directing the HTA's business. Not less than half of the members are persons who do not have, and have not had, a professional interest in any of the kinds of activity within the remit of the HTA. The chair and chief executive decide the balance of skills across the HTA's board, which may include members who have experience of legal and regulatory expertise, leading digital transformation, professional experience in any of the sectors regulated by the HTA and experience of organ donation and transplantation either from a patient or practitioner perspective. The board will consist of a number of independent non-executive members, as determined in the relevant legislation and appointed by the Secretary of State, who, through the Chief Executive and Accounting Officer, ensure that the executive is supported and constructively challenged in its role.

5.13 The senior executives, known as the HTA Senior Management Team, including the Finance Director (suitably qualified as set out in Annex 4.1 of MPM) and the Chief Executive, as Accounting Officer, will attend the regular, published meetings of the HTA Board.

Board committees

5.14 The board may set up such committees as necessary for it to fulfil its functions. As is detailed below at a minimum this should include an Audit and Risk Assurance Committee chaired by an independent and appropriately qualified non-executive member of the board.

5.15 While the board may make use of committees to assist its consideration of appointments, succession, audit, risk and remuneration, it retains responsibility for, and endorses, final decisions in all of these areas. The chair should ensure that

sufficient time is allowed at board meetings for committees to report on the nature and content of discussion, on recommendations, and on actions to be taken.

5.16 Where there is disagreement between the relevant committee and the board, adequate time should be made available for discussion of the issue with a view to resolving the disagreement. Where any such disagreement cannot be resolved, the committee concerned should have the right to report the issue to the sponsor team, principal accounting officer and responsible minister. They may also seek to ensure the disagreement or concern is reflected as part of the report on its activities in the annual report.

5.17 The chair should ensure board committees are properly structured with appropriate terms of reference. The terms of each committee should set out its responsibilities and the authority delegated to it by the board. The chair should ensure that committee membership is periodically refreshed and that individual independent non-executive directors are not over-burdened when deciding the chairs and membership of committees.

Duties of the board

5.18 The board is specifically responsible for:

- establishing and taking forward the strategic aims and objectives of the HTA consistent with its overall strategic direction and within the policy and resources framework determined by the Secretary of State
- providing effective leadership of the HTA within a framework of prudent and effective controls which enables risk to be assessed and managed
- ensuring the financial and human resources are in place for the HTA to meet its objectives
- reviewing management performance
- ensuring that the board receives and reviews regular financial and management information concerning the management of the HTA
- ensuring that it is kept informed of any changes which are likely to impact on the strategic direction of the HTA or on the attainability of its targets, and determining the steps needed to deal with such changes and where appropriate bringing such matters to the attention of the responsible minister and principal accounting officer via the executive team, sponsorship team or directly

- ensuring that any statutory or administrative requirements for the use of public funds are complied with; that the board operates within the limits of its statutory authority and any delegated authority agreed with the sponsor department, and in accordance with any other conditions relating to the use of public funds

- ensuring that, in reaching decisions, the board takes into account guidance issued by the sponsor department

- ensuring that as part of the above compliance they are familiar with:

    - this framework agreement

    - any delegation letter issued to the body

    - any elements of any settlement letter issued to the sponsor department that is relevant to the operation of the HTA

    - that they have appropriate internal mechanisms for the monitoring, governance and external reporting regarding any conditions arising from the above documents and ensure that the chief executive and the HTA as a whole act in accordance with their obligations under the above documents

- demonstrating high standards of corporate governance at all times, including by using the independent audit committee to help the board to address key financial and other risks

- appointing a chief executive and, in consultation with the department, set performance objectives and remuneration terms linked to these objectives for the chief executive which give due weight to the proper management and use of public resources

- determining all such other things which the board considers ancillary or conducive to the attainment or fulfilment by the HTA of its objectives

5.19 The board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control.

5.20 The board should make a strategic choice about the style and shape of risk management and should lead the assessment and management of opportunity and risk. The board should ensure that effective arrangements are in place to provide assurance over the design and operation of risk management, governance and internal control in line with the Management of Risk – Principles and Concepts (The Orange Book). The board must set up an Audit and Risk Assurance Committee, chaired by an independent and appropriately qualified non-executive member, to provide independent advice and ensure that the department's Audit

and Risk Assurance Committee are provided with routine assurances with escalation of any significant limitations or concerns. The board is expected to assure itself of the adequacy and effectiveness of the risk management framework and the operation of internal control.

The chair's role and responsibilities

5.21 The chair is responsible for leading the board in the delivery of its responsibilities. Such responsibility should be exercised in the light of their duties and responsibilities as set out in their contract of employment/appointment letter, the priorities in the chair's letter issued to them by the sponsor team, the statutory authority governing the HTA, this document and the documents and guidance referred to within this document.

5.22 Communications between the HTA's board and the responsible minister should normally be through the chair.

5.23 The chair is bound by the Code of conduct for board members of public bodies, which covers conduct in the role and includes the Nolan Principles of Public Life.

5.24 In addition, the chair is responsible for:

- ensuring, including by monitoring and engaging with appropriate governance arrangements, that the HTA’s affairs are conducted with probity
- ensuring that policies and actions support the responsible minister’s and where relevant other ministers’ wider strategic policies and where appropriate, these policies and actions should be clearly communicated and disseminated throughout the HTA

5.25 The chair has the following leadership responsibilities:

- formulating the board’s strategy
- ensuring that the board, in reaching decisions, takes proper account of guidance provided by the responsible minister or DHSC
- promoting the efficient and effective use of staff and other resources
- delivering high standards of regularity and propriety
- representing the views of the board to the general public

5.26 The chair also has an obligation to ensure that:

- the work of the board and its members are reviewed and are working effectively including ongoing assessment of the performance of individual board members with a formal annual evaluation and more in-depth assessments of the performance of individual board members when being considered for re-appointment

- in conducting assessments that the view of relevant stakeholders including employees and the sponsor team are sought and considered

- the board has a balance of skills appropriate to directing the HTA's business, and that all directors including the chair and chief executive continually update their skills, knowledge and familiarity with the HTA to fulfil their role both on the board and committees. This will include, but not be limited to, skills and training in relation to financial management and reporting requirements, risk management and the requirements of board membership within the public sector

- board members are fully briefed on terms of appointment, duties, rights and responsibilities

- they, together with the other board members, receive appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice

- the responsible minister is advised of the HTA's needs when board vacancies arise

- there is a board operating framework in place setting out the role and responsibilities of the board, consistent with the government code of good practice for corporate governance

- there is a code of practice for board members in place, consistent with the Cabinet Office Code of conduct for board members of public bodies

Individual board members' responsibilities

5.27 Individual board members shall:

- comply at all times with the Code of conduct for board members of public bodies, which covers conduct in the role and includes the Nolan Principles of Public Life as well as rules relating to the use of public funds and to conflicts of interest

- demonstrate adherence to the 12 Principles of Governance for all Public Body Non-Executive Directors as appropriate

- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations

- comply with the board's rules on the acceptance of gifts and hospitality, and of business appointments

- act in good faith and in the best interests of the HTA

- ensure they are familiar with any applicable guidance on the role of Public Sector non-executive directors and boards that may be issued from time to time by the Cabinet Office, HM Treasury or wider government

6. Management and financial responsibilities and controls

Delegated authorities

6.1 The HTA's delegated authorities are set out in the set out in DHSC's Schedule of Delegations and delegation letter. This delegation letter may be updated and superseded by later versions which may be issued by DHSC in agreement with HM Treasury.

6.2 In line with Managing Public Money Annex 2.2 these delegations will be reviewed on an annual basis. Delegation letters will be updated from time to time by DHSC, in agreement with the HM Treasury spending team.

6.3 The HTA shall obtain DHSC's and where appropriate HM Treasury's prior written approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the HTA's annual budget as approved by DHSC
- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by DHSC
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required
- carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money

Spending authority

6.4 Once the budget has been approved by DHSC, the HTA has authority to incur expenditure approved in the budget without further reference to DHSC, on the following conditions:

- the HTA shall comply with the delegations set out in the delegation letter. These delegations shall not be altered without the prior agreement of the sponsor department and as agreed by HM Treasury and Cabinet Office as appropriate

- the HTA shall comply with Managing Public Money regarding novel, contentious or repercussive proposals

- inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal departmental approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed

- the HTA shall provide the sponsor department with such information about its operations, performance, individual projects or other expenditure as the sponsor department may reasonably require

Banking and managing cash

6.5 The HTA shall maximise the use of publicly procured banking services (accounts with central government commercial banks managed centrally by government banking).

6.6 The HTA shall only hold money outside government banking service accounts where a good business case can made for doing so and HM Treasury consent is required for each account to be established. Only commercial banks which are members of relevant UK clearing bodies may be considered for this purpose.

6.7 Commercial accounts, where approved, shall be operated in line with the principles as set out in Managing Public Money.

6.8 The accounting officer is responsible for ensuring that the HTA has a banking policy as set out in Managing Public Money and ensuring that the policy is complied with.

Procurement

6.9 The HTA shall ensure that its procurement policies are aligned with and comply with any relevant UK or other international procurement rules and in particular the Public Contracts Regulations 2015.

6.10 The HTA shall establish its procurement policies and document these in a Procurement Policy and Procedures Manual.

6.11 In procurement cases where the HTA is likely to exceed its delegated authority limit, procurement strategy approval for the specific planned purchase must be sought from DHSC's sponsor team.

6.12 Goods, services, and works should be acquired by competition. Proposals to let single-tender or restricted contracts shall be limited and exceptional, and a quarterly report explaining those exceptions should be sent to DHSC.

6.13 Procurement by the HTA of works, equipment, goods, and services shall be based on, a full option appraisal and value for money, i.e. the optimum combination and whole life costs and quality (fitness for purpose).

6.14 The HTA shall:

- engage fully with DHSC and government-wide procurement initiatives that seek to achieve value for money from collaborative projects
- comply with all relevant Procurement Policy Notes issued by Cabinet Office
- co-operate fully with initiatives to improve the availability of procurement data to facilitate the achievement of value for money.
- ensure their commercial capability is developed in line with government Commercial Function people standards

6.15 The HTA shall comply with the Commercial and Grants standards. These standards apply to the planning, delivery, and management of government commercial activity, including management of grants in all departments and arm's length bodies, regardless of commercial approach used and form part of a suite of functional standards that set expectations for management within government.

Risk management

6.16 The HTA shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and develop a risk management strategy, in accordance with HM Treasury guidance Management of Risk – Principles and Concepts (The Orange Book).

6.17 The HTA shall promptly notify DHSC of any operational and financial risks arising from their activities which may have a potentially significant impact on them, DHSC, another health and care body or the wider system. These will be discussed in meetings they have with the senior departmental sponsor and the sponsor

team. Such risks shall also be notified by the HTA's risk function or board to DHSC's risk team and may be escalated to DHSC's Audit and Risk Committee for consideration. The chair of the HTA's Audit and Risk Assurance Committee shall also escalate any risk concerns to the department's risk team and may be asked to attend DHSC's Audit and Risk Committee to explain risks. It is the responsibility of the HTA and the sponsor team to keep each other informed of significant risks to, or arising from, the operations of the HTA within the wider system.

Counter fraud and theft

6.18 The HTA shall adopt and implement policies and practices to safeguard itself against fraud and theft.

6.19 The HTA shall act in line with guidance as issued by the Counter Fraud Function and in compliance with the procedures and considerations as set in in Managing Public Money Annex 4.9 and the Counter Fraud Functional Standard. The HTA shall also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter a contract or to provide grant or grant-in-aid.

6.20 The HTA shall keep records of and prepare and forward to DHSC an annual report on fraud and theft suffered by the HTA and notify DHSC of any unusual or major incidents as soon as possible. The HTA shall also report identified loss from fraud, bribery, corruption and error, alongside associated recoveries and prevented losses, to the counter fraud centre of expertise in line with the agreed government definitions as set out in Counter Fraud Functional Standard.

Staff

Broad responsibilities of staff

6.21 Within the arrangements approved by the Secretary of State for Health and Social Care and the Treasury the HTA will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued, appointment and advancement is based on merit; there is no discrimination against employees with protected characteristics under the Equality Act 2010

- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness
- the performance of its staff at all levels is satisfactorily appraised and the HTA performance measurement systems are reviewed from time to time
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the HTA's objectives
- proper consultation with staff takes place on key issues affecting them
- adequate grievance and disciplinary procedures are in place
- whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place
- a code of conduct for staff is in place based on the Cabinet Office's Model Code for Staff of Executive Non-departmental public bodies.

Staff costs

6.22 Subject to its delegated authorities, the HTA shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and conditions of service

6.23 The HTA's staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the sponsor department and the Treasury. The HTA has no delegated power to amend these terms and conditions.

6.24 If civil service terms and conditions of service apply to the rates of pay and non-pay allowances paid to the staff and to any other party entitled to payment in respect of travel expenses or other allowances, payment shall be made in accordance with the Civil Service Management Code and the annual Civil Service Pay Remit Guidance, except where prior approval has been given by the department to vary such rates.

6.25 Staff terms and conditions should be set out in an employee handbook, which should be provided to DHSC together with subsequent amendments.

6.26 The HTA shall abide by public sector pay controls, including the relevant approvals process dependent on the organisations classification as detailed in the Senior Pay Guidance and the public sector pay and terms guidance.

6.27 The HTA shall operate a performance-related pay scheme that shall form part of the annual aggregate pay budget approved by the department where relevant with due regard to the senior pay guidance.

6.28 The travel expenses of board members shall be tied to the rates allowed to senior staff of the HTA. Reasonable actual costs shall be reimbursed.

Pensions, redundancy and compensation

6.29 Compensation scheme rules and pension scheme rules shall reflect legislative and HM Treasury guidance requirements regarding exit payments.

6.30 HTA staff shall normally be eligible for a pension provided by the NHS Pension Scheme. Staff may opt out of the occupational pension scheme provided by the HTA, but that employers' contribution to any personal pension arrangement, including stakeholder pension shall normally be limited to the national insurance rebate level.

6.31 Any proposal by the HTA to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the department. Proposals on severance must comply with the rules in chapter 4 of Managing Public Money.

6.32 HTA shall seek approval from DHSC's Remuneration Committee for recruiting to executive and senior managers posts or paying above the relevant ceilings in the executive and senior managers' pay framework. All applications will need approval from the HTA sponsor team before being considered by the Committee.

7. Business plans, financial reporting and information management

Corporate and business plans

7.1 The HTA shall submit annually to the sponsor department a draft of the corporate plan covering 3 years ahead. The draft should be submitted in line with the agreed annual timetable established by DHSC. The HTA shall agree with DHSC issues to be addressed in the plan and the timetable for its preparation. The plan shall reflect the HTA's statutory and/or other duties and, within those duties, the priorities set from time to time by the responsible minister (including decisions taken on policy and resources in the light of wider public expenditure decisions). The plan shall demonstrate how the HTA contributes to the achievement of DHSC's medium-term plan and priorities and aligned performance metrics and milestones.

7.2 The first year of the corporate plan, amplified as necessary, shall form the business plan. The business plan shall be updated to include key targets and milestones for the year immediately ahead and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by DHSC. Subject to any commercial considerations, the corporate and business plans should be published by the HTA on its website and separately be made available to staff.

7.3 The following key matters should be included in the plans:

- key objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives
- key non-financial performance targets
- a review of performance in the preceding financial year, together with comparable outturns for the previous 3 years, and an estimate of performance in the current year
- alternative scenarios and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast
- other matters as agreed between DHSC and the HTA

Budgeting procedures

7.4 Each year, in the light of decisions by DHSC on the updated draft business plan, DHSC will send to the HTA by an agreed date:

- a formal statement of the annual budgetary provision allocated by DHSC in the light of competing priorities across DHSC and of any forecast income approved by DHSC
- a statement of any planned change in policies affecting the HTA

7.5 The approved annual business plan will take account both of approved funding provision and any forecast receipts, and will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any departmental funding and/or other income over the year. These elements form part of the approved business plan for the year in question.

Grant-in-aid and any ring-fenced grants

7.6 Any grant-in-aid provided by DHSC for the year in question will be voted in DHSC's supply estimate and be subject to Parliamentary control.

7.7 The grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. The HTA will comply with the general principle, that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds shall be kept to a minimum level consistent with the efficient operation of the HTA. Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by Parliament of the relevant estimates provision, where grant-in-aid is delayed to avoid excess cash balances at the year-end, DHSC will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year end, such as creditors.

7.8 In the event that DHSC provides the HTA separate grants for specific (ring-fenced) purposes, it would issue the grant as and when the HTA needed it on the basis of a written request. The HTA would provide evidence that the grant was used for the purposes authorised by DHSC. The HTA shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

Annual report and accounts

7.9 The HTA board must publish an annual report of its activities together with its audited accounts after the end of each financial year. The HTA shall provide its finalised (audited) accounts in line with the agreed annual timetable established by DHSC in order for the accounts to be consolidated within DHSC's accounts. A draft of the report should be submitted to DHSC 2 weeks before the proposed publication date. The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by DHSC as well with HM Treasury's Financial Reporting Manual.

7.10 The annual report and accounts shall:

- cover any corporate, subsidiary or joint ventures under its control
- comply with the Financial Reporting Manual and in particular have regard to the illustrative statements for a non-departmental public body
- outline main activities and performance during the previous financial year and set out in summary form forward plans

7.11 Information on performance against key financial targets is included within the annual report and subject to the auditor's consistency opinion. The report and accounts shall be laid in Parliament and made available on the HTA's website, in accordance with the guidance in the Financial Reporting Manual.

Reporting performance to DHSC

7.12 The HTA shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans.

7.13 The HTA shall inform DHSC of any changes that make achievement of objectives more or less difficult. It shall report financial and non-financial performance, including performance in helping to deliver ministers' policies, and the achievement of key objectives regularly through Quarterly Accountability meetings with DHSC.

7.14 The HTA's performance shall be formally reviewed by DHSC 4 times a year.

7.15 The responsible minister shall meet the chair and chief executive once a year.

Information sharing

7.16 DHSC has the right of access to all HTA records and personnel for any purpose including, for example, sponsorship audits and operational investigations.

7.17 The HTA shall provide DHSC with such information about its operations, performance, individual projects or other expenditure as DHSC may reasonably require.

7.18 DHSC and HM Treasury may request the sharing of data held by the HTA in such a manner as set out in central guidance except insofar as it is prohibited by law. This may include requiring the appointment of a senior official to be responsible for the data sharing relationship.

7.19 As a minimum, the HTA shall provide DHSC with information monthly that will enable DHSC satisfactorily to monitor:

- the HTA's cash management
- its draw-down of grant-in-aid
- forecast outturn by resource headings
- other data required for the Online System for Central Accounting and Reporting (OSCAR)
- data as required in respect of its compliance with any Cabinet Office Controls pipelines or required in order to meet any condition as set out in any settlement letter

8. Audit

8.1 The HTA shall:

- ensure that DHSC's internal audit team have complete access to all relevant records
- ensure that any arrangements for internal audit are in accordance with the Public Sector Internal Audit Standards as adopted by HM Treasury
- set up an audit committee of its board in accordance with the Code of Good Practice for Corporate Governance and the Audit and Risk Assurance Committee Handbook
- forward the audit strategy, periodic audit plans and annual audit report, including the HTA Head of Internal Audit opinion on risk management, control and governance as soon as possible to DHSC
- keep records of, and prepare and forward to DHSC an annual report on, fraud and theft suffered by the HTA and notify DHSC of any unusual or major incidents as soon as possible
- share with DHSC information identified during the audit process and the Annual Audit Opinion Report (together with any other outputs) at the end of the audit, in particular on issues impacting on DHSC's responsibilities in relation to financial systems within the HTA

External audit

8.2 The Comptroller and Auditor General (C&AG) audits the HTA's annual accounts, and lays them before parliament, together with their report.

8.3 In the event that the HTA has set up and controls subsidiary companies, the HTA shall, in the light of the provisions in the Companies Act 2006, ensure that the Comptroller and Auditor General has the option to be appointed auditor of those company subsidiaries that it controls and/or whose accounts are consolidated within its own accounts. The HTA shall discuss with DHSC the procedures for appointing the Comptroller and Auditor General as auditor of the companies.

8.4 The Comptroller and Auditor General:

- shall consult DHSC and the HTA on whom – the National Audit Office or a commercial auditor – shall undertake the audit(s) on their behalf, though the final decision rests with the Comptroller and Auditor General

- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the government resources and accounts act 2000, held by another party in receipt of payments or grants from the HTA

- shall share with the sponsor department information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on DHSC's responsibilities in relation to financial systems within the HTA

- shall consider requests from departments and other relevant bodies to provide regulatory compliance reports and other similar reports at the commencement of the audit. Consistent with the Comptroller and Auditor General's independent status, the provision of such reports is entirely at the Comptroller and Auditor General's discretion

8.5 The Comptroller and Auditor General may carry out examinations into the economy, efficiency and effectiveness with which the HTA has used its resources in discharging its functions. For the purpose of these examinations the Comptroller and Auditor General has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the HTA shall provide, in conditions to grants and contracts, for the Comptroller and Auditor General to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the Comptroller and Auditor General to any other documents required by the Comptroller and Auditor General which are held by other bodies.

9. Reviews and winding up arrangements

Review of the HTA's status

9.1 The HTA will be reviewed as part of the wider public bodies Reviews programme, at a time determined by the DHSC's ministers and their principal accounting officer.

Arrangements in the event that the HTA is wound up

9.2 DHSC shall put in place arrangements to ensure the orderly winding up of the HTA. In particular, it should ensure that the assets and liabilities of the HTA are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the sponsor department.) To this end, DHSC shall:

- have regard to Cabinet Office guidance on winding up arm's length bodies
- ensure that procedures are in place in the HTA to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body; specify the basis for the valuation and accounting treatment of the HTA’s assets and liabilities
- ensure that arrangements are in place to prepare closing accounts and pass to the Comptroller and Auditor General for external audit, and that, for non-Crown bodies, funds are in place to pay for such audits. It shall be for the Comptroller and Auditor General to lay the final accounts in Parliament, together with their report on the accounts
- arrange for the most appropriate person to sign the closing accounts. In the event that another arm's length body takes on the role, responsibilities, assets and liabilities, the succeeding arm's length body accounting officer should sign the closing accounts. In the event that DHSC inherits the role, responsibilities, assets and liabilities, DHSC’s principle accounting officer should sign

9.3 The HTA shall provide DHSC with full details of all agreements where the HTA or its successors have a right to share in the financial gains of developers. It should also pass to DHSC details of any other forms of claw-back due to the HTA.

10. Other matters

Partnership working

10.1 To support the development of their relationship, DHSC and the HTA have agreed to a set of shared principles:

- working together with each other, and with DHSC's other arm's length bodies, for patients, people who use services and the public, demonstrating our commitment to the values of the NHS as 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 HTA will support DHSC in the discharge of its accountability duties, and DHSC will support the HTA in the same way

- working together openly and positively. This will include working constructively and collaboratively with other organisations within and beyond the health and social care system

10.2 DHSC and the HTA will work together, and with DHSC'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, the HTA and DHSC will follow an ‘open book’ approach. In the case of issues with an impact on the development or implementation of policy, DHSC can expect to be kept informed by the HTA. In the same way, DHSC will seek to keep the HTA apprised of developments in policy and government. There are likely to be some issues where DHSC or the HTA will expect to be consulted by the other before DHSC or the HTA makes either a decision or a public statement on a matter. DHSC and the HTA will make clear which issues fall into this category in good time. The sponsor team will be responsible for ensuring that this works effectively.

10.3 To support the Secretary of State and the principal accounting officer in their accountability functions, the HTA must provide the Secretary of State with such information relating to the exercise of its functions as he or she may request. It is therefore expected that DHSC will, when required, have full access to the HTA’s files and information. If necessary, the senior departmental sponsor’s team will be responsible for prioritising these requests for information.

Communications between DHSC and the HTA

10.4 This section sets out the basic principles guiding co-operation and collaborative working between DHSC and the HTA, across all aspects of communication and marketing activities, to deliver impactful and cost-effective communications in the context of our shared accountability to parliament and the public.

10.5 The principles include regular collaboration and information sharing between DHSC and the HTA to ensure communications are aligned and to amplify their impact. All organisations commit to undertaking this collaboration and information sharing in a timely manner, of content being shared with the public, media or other stakeholders. To ensure that, as a system, we are communicating with the public, workforce and our stakeholders in a coordinated manner so as to not confuse or undermine another part of the system.

10.6 To achieve this, DHSC and HTA communications team will have regular check-in points, including for the heads of communication and media and marketing teams, to agree communication plans. In particular, the HTA and DHSC will give each other sufficient advance notice of public facing communications to allow for necessary clearances with the relevant teams as set out in the Communications and Marketing Guidance annex of the ALB Schedule of Delegations.

Relations with DHSC's other arm’s length bodies

10.7 DHSC 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. Details of the working arrangements with other arm’s length bodies and key bodies will, where appropriate, be agreed and set out in a partnership agreement.

Transparency

10.8 The HTA is an open organisation that carries out its activities transparently. It demonstrates this by proactively publishing on its website 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 Office. The HTA holds open board meetings in line with the public bodies (Admission to Meetings) Act 1960. The HTA will publish an annual report. The annual report will include a governance statement, which is to be reviewed by the senior departmental sponsor.

10.9 To underpin the principles of good communication, ‘no surprises’ and transparency, the HTA and DHSC have put in place arrangements for managing communications.

10.10 The HTA’s non-executive board members operate within the general principles of the corporate governance guidelines set out by HM Treasury. They will also comply with the Cabinet Office's Code of conduct for board members of public bodies and with the HTA’s rules on disclosure of financial interests, including those of board members.

10.11 The HTA has developed a code of conduct for all staff which will comply with the principles in the Cabinet Office's model code for staff of executive non-departmental public bodies, which includes rules on conflicts of interest, political activity and restrictions on lobbying.

10.12 The HTA 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 NHS codes of practice on confidentiality, security and records management

10.13 The HTA’s Senior Information Risk Owner 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.

Public and parliamentary accountability

10.14 DHSC and its arm's length bodies 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 the HTA's website, as well as through responses to letters from the public and responses to requests under the Freedom of Information Act.

10.15 DHSC 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, the HTA will support DHSC by, amongst other things, providing information for ministers to enable them to account to Parliament. In its turn, DHSC provides leadership to the system for corporate governance, including setting standards for performance in accountability.

10.16 The HTA, however, has its own responsibilities in accounting to the public and to Parliament, and its way of handling these responsibilities has been agreed with DHSC. In all matters of public and parliamentary accountability, DHSC and its arm's length bodies will work together considerately, cooperatively and collaboratively, and any information provided by the HTA is to be timely, accurate and, where appropriate, consistent with information provided by DHSC. To facilitate this, DHSC and the HTA have agreed a public and parliamentary accountability protocol (Annex B) 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. This will be reviewed, as a minimum, on a tri-annual basis, alongside this framework agreement.

Equalities

10.17 The public sector equality duty requires the HTA (as a public body) when exercising its function to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

10.18 The specific duties require the HTA, 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 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. This was required by 6 April 2013 and is required every 4 years thereafter.

Whistleblowing

10.19 The HTA, as with DHSC and all its arm's lengths bodies, has whistleblowing policies and procedures in place that comply with the Public Interest Disclosure Act 1998 and best practice guidance. The Act prohibits the use of confidentiality clauses that seek to prevent staff from speaking out on issues of public interest.

Sustainability

10.20 As a major public sector body, the HTA 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, the HTA should comply with the Greening government commitments 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 is via DHSC (including the consolidation of relevant information in DHSC's annual resource account) and DHSC will ensure the HTA is aware of the process for this.

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