

NHS DORSET CLINICAL COMMISSIONING GROUP
GOVERNING BODY MEETING
REVISED GOVERNANCE ARRANGEMENTS

Date of the meeting	18/03/2015
Author	C G Lakeman – Governing Body Secretary and General Counsel
Purpose of Report	To advise the Governing Body of proposed changes to Governance arrangements.
Recommendation	The Governing Body is asked to approve the recommendations set out in the report.
Stakeholder Engagement	Changes to the Constitution have been approved by the Membership, changes to Standing Orders have been notified to NHS England. Area Team have been consulted on changes to the Constitution and Standing Orders.
Previous GB / Committee/s, Dates	N/A

Monitoring and Assurance Summary

This report links to the following Strategic Principles	<ul style="list-style-type: none"> • Services designed around people • Preventing ill health and reducing inequalities • Sustainable healthcare services • Care closer to home 		
	Yes [e.g. ✓]	Any action required?	
		Yes Detail in report	No
All three Domains of Quality (Safety, Quality, Patient Experience)	✓	✓	
Board Assurance Framework Risk Register	✓	✓	
Budgetary Impact	✓		✓
Legal/Regulatory	✓	✓	
People/Staff	✓	✓	
Financial/Value for Money/Sustainability	✓	✓	
Information Management & Technology	✓		✓
Equality Impact Assessment	✓		✓
Freedom of Information	✓	✓	
I confirm that I have considered the implications of this report on each of the matters above, as indicated	✓		

Initials : CGL

1. Introduction

- 1.1 Good governance suggest that the Corporate Governance Framework (Standing Orders, Standing Financial Instruction and Scheme of Delegation) and to a lesser extent the Constitution are reviewed annually. These documents set out the financial and structural responsibilities and framework adopted by the CCG and are designed to ensure that the CCGs activities and financial transactions are carried out in accordance with law governance and policy to achieve probity, accuracy, economy, efficiency and effectiveness.

2. Report

- 2.1 Members will be aware that the CCG membership decided in June 2014 to seek to take on certain primary care commissioning responsibilities. This required a change in the CCG's constitution. CCG members were asked to support a Special Resolution to amend the constitution to enable Primary Care Commissioning responsibilities to be taken on jointly with the NHS Area Team. The changes will also permit full delegation should the CCG decide to follow that course.
- 2.2 The Special Resolution was passed with a majority of over 80% of members in favour with no members against. As part of the review of the Constitution to determine any changes that were required, Standing Orders and the Scheme of Delegation were reviewed.
- 2.3 Whilst the Governing Body does not have the power to amend the Constitution, it does have power delegated to it to amend the Standing Orders and Scheme of Delegation, subject to consulting the Area Team.
- 2.4 The proposed changes to Standing Orders and the Scheme of Delegation are set out in summary in Appendix 1 and are largely self-explanatory. A tracked change version of the constitution, Standing Orders and Scheme of Delegation is available from <http://intranet.dorsetccg.nhs.uk/WS-DCCG-Intranet/Downloads/Commissioning/Members/Governing%20body/Board-portal/Audit%20and%20Quality/11%20February%202015/14%20CCG%20Constitution%20DACB%20amends%20A%20Q%20110215.pdf>.
- 2.5 Changes to 2.2.2 and 2.2.13 clarify what is meant by a "simple majority".
- 2.6 Changes to Annex 1, Clause 1.3.1 revising the length before a meeting that the papers need to be distributed to enable information to be more up to date when it actually comes before a meeting.
- 2.7 The change to 1.10 is to enable a quorum of members of the Governing Body to be formed notwithstanding the situation where all or a significant proportion of GPs have had to withdraw due to a conflict. This should aid decision making where otherwise the CCG may be required to either remit a decision to the Remuneration Committee or to second external members to the Governing Body to make up a quorum.

- 2.8 The Change to the Scheme of Delegation is to clarify that the Governing Body has the power to approve amendments to Standing Orders and Terms of Reference. This power is contained elsewhere within the Constitution and this change is required only for consistency purposes.
- 2.9 A new Annex 6 of Standing Orders is proposed which contains the Terms of Reference for the Joint Primary Care Commissioning Committee. Current Terms of Reference have been approved by the Governing Body. Those that are attached to this paper at Appendix 2 are the latest draft version containing amendments following guidance on Joint Primary Care Commissioning issued by NHS England. At the time of writing this paper, the arrangements for voting have not received final approval from the NHS England National Team but it is anticipated.
- 2.10 The amendments in blue represent the most recent suggestion by NHS England in connection with voting rights. Because membership of the two constituencies (NHS England and NHS Dorset CCG) is unequal, NHS England wants to see equal voting rights for each constituency with a casting vote resting with the Lay Chair. In addition, NHS England wishes to see provision for a vice chair to stand in for the Chair in his or her absence.
- 2.11 Annex 2 (localities).

The amendment seeks to correct drafting that was intended only to apply in the first three years and not in perpetuity to ensure a planned renewal and continuity of the Governing Body membership.

To ensure both renewal and consistency within the membership of the Governing Body, during the first 3 years of CCGs existence only, the Locality Leads should, if required, draw lots to determine which of them shall resign (and if desired, stand for re-election) after 2 years and which after 3 years. Thereafter at least one third of the Locality Leads shall resign each year (and if desired stand for re-election) subject to any maximum term(s).

- 2.12 All these changes have been considered by the Audit and Quality Committee and are recommended to the Governing Body for approval by that Committee save the voting arrangements for the Joint Primary Care Committee which evolved after consideration by the Audit and Quality Committee.
- 2.13 The Audit and Quality Committee also reviewed its own Terms of Reference and recommends for approval the track-changed version highlighted at Appendix 3 (attached).

3. Conclusion

- 3.1 The Governing Body is asked to approve the proposed changes to Standing Orders and the Terms of Reference for the Joint Primary Care Commissioning Committee and Audit and Quality Committee.

Author's name and Title : Conrad Lakeman, Governing Body Secretary and General Counsel

Date : 24/02/2015

Telephone Number : 01305 368024

APPENDICES	
Appendix 1	Summary of Proposed Changes to Standing Orders
Appendix 2	Joint Primary Care Committee Terms of Reference
Appendix 3	Audit and Quality Committee Terms of Reference