

Sheffield Clinical Commissioning Group

Governance Report

Governing Body meeting

4 July 2013

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Author(s)/Presenter and title	Linda Tully, Company Secretary and Head of Corporate Governance
Sponsor	Ian Atkinson, Accountable Officer
Key messages	
Paragraph 9.9 of our Constitution is amended to strengthen the CCG's statement of compliance to the Public Interest Disclosure Act 1998	
Assurance Framework (AF) 2012/13	
Risk Reference (RR) Number: 898	
How does this paper provide assurance to the Governing Body that the risk is being addressed? The paper details amendments to strengthen the CCG's Constitution.	
Is this an existing or additional control? Existing 1.3.1 A and 1.3.B	
Equality/Diversity Impact	
Has an equality impact assessment been undertaken? No .	
Recommendations	
The Governing Body is asked to note the content of this report and be advised that the revised constitution continues to meet the requirements of the Act enabling NHS Sheffield CCG to meet its legal responsibilities.	

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1. Executive Summary

This paper reports on the changes to the Sheffield CCG Constitution submitted to NHS England on 26 June. The changes merely enhance and strengthen the current constitution and, following a local impact assessment, we are confident that the changes do not impact on the CCG's ability to discharge its functions or those of its governing body. The revised constitution continues to meet the requirements of the Act.

2. Variation to NHS Sheffield Clinical Commissioning Group Constitution

At the 2 May Governing Body meeting, details of constitutional changes agreed at the Members' Council Meeting on 20 March 2013 were formally reported including:

1. Amendments to Section 6:
 - a.) Joint commissioning arrangements; strengthened by increasing the number of CCGs in the partnership
 - b.) Composition of the Governing Body; strengthened by increasing the number of Lay Members from two to three
2. Strengthening Terms of Reference of the following Committees:
 - a) Quality Assurance Committee; to increase the number of GPs in attendance
 - b) Remuneration Committee; to increase the number of Lay Members
3. Clarity of wording to the following constitutional documents:
 - a) Prime Financial Policies
 - b) Scheme of Reservation and Delegation
 - c) Standing Orders

Sir David Nicholson wrote to all CCGs on 2 May 2013 with regard to the perception of 'gagging' clauses in CCG constitutions that would prevent members or employees from speaking out about the work of the CCG without the written approval of its governing body.

In view of this we have reviewed paragraph 9.9 of our Constitution that states:

"The group will adopt a code of conduct for staff and will maintain and promote effective 'whistleblowing' procedures to ensure that concerned staff have means through which their concerns can be voiced."

Sir David's letter advises that it is vital that all members of the governing body and its committees, and individuals employed by the CCG, feel that they are protected and can raise concerns in an environment that is safe and which values openness and

transparency. For the avoidance of doubt, we will adopt the following recommended statement:

“The CCG recognises and confirms that nothing in or referred to in this Constitution (including in relation to the issue of any press release or other public statement or disclosure) will prevent or inhibit the making of any protected disclosure (as defined in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, and as amended by the Enterprise and Regulatory Reform Act 2013) by any member of the CCG, any member of its Governing Body, any member of any of its committees or sub-committees or the committees or sub-committees of its Governing Body, or any employee of the CCG or of any of its Members, nor will it affect the rights of any worker (as defined in that Act) under that Act”.

This now clarifies and re-affirms that nothing in the Constitution alters the right to make a protected disclosure.

Written notification of this amendment was sent to all 88 member practices in a letter from the Chair dated 14 June and a copy of the revised constitution was submitted to NHS England on 26 June.

3. Recommendation

The Governing Body is asked to note the content of this report and be advised that the revised constitution continues to meet the requirements of the Act enabling NHS Sheffield CCG to meet its legal responsibilities.

Paper prepared by: Linda Tully, Company Secretary and Head of Corporate Governance

On behalf of Ian Atkinson, Accountable Officer

27 June 2013