

Proposed Changes to NHS Sheffield CCG Constitution

Governing Body meeting

26 May 2016

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Sponsor	Tim Furness, Director of Delivery
Is your report for Approval / Consideration / Noting	
Approval	
Audit Requirement	
<p><u>CCG Objective:</u></p> <p>Organisational development to ensure the CCG can achieve its aims and objectives and meet national requirements.</p> <p>Principal Risk</p> <p>5.4 Inadequate adherence to principles of good governance and legal framework leading to breach of regulations and consequent reputational or financial damage.</p> <p>This paper provides assurance that systems and processes are in place to ensure the proposed changes to the Constitution are made in line with guidance issued by NHS England <i>Procedures for clinical commissioning group constitution change, merger or dissolution.</i></p>	
<u>Equality impact assessment</u>	
<p><i>Have you carried out an Equality Impact Assessment YES and is it attached?</i> No</p> <p><i>If not, why not?</i> Not Applicable</p>	
<u>PPE Activity</u>	
<p><i>How does your paper support involving patients, carers and the public?</i></p> <p>Not Applicable</p>	
Recommendations	
The Governing Body is asked to approve the proposed changes to NHS Sheffield CCG Constitution	

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1. Introduction

The NHS Sheffield Constitution may only be varied in two circumstances, either:

- a) where, following the passing of a Special Resolution by the Members agreeing to propose the variation (or where the change is approved by the Governing Body it having been delegated the approval by the Members under the Scheme of Reservation and Delegation) the CCG applies to NHS England and that application to vary the Constitution is granted.
- b) where in the circumstances set out in legislation NHS England varies the CCG's Constitution other than on application by the CCG.

Previously, NHS England offered two opportunities to CCGs each year to submit applications for change to their constitutions. Following feedback that these 'windows' did not fit well with CCGs' individual circumstances, application for constitutional change may now be made at any point during the year.

2. Revisions to the NHS Sheffield CCG Constitution

The proposed revisions to the Constitution are set out in the attachment at Appendix 1 and relate to:

2.1 Changes to the Audit and Integrated Governance Committee Terms of Reference

CCGs are being required to establish an Auditor Panel to advise their Governing Bodies on the appointment of their external auditors. CCGs are able to appoint their own external auditors with effect from the 2017/18 financial year and have to have completed the procurement by December 2016. The Audit and Integrated Governance Committee Terms of Reference have therefore been updated following Governing Body approval at its meeting on 7 April to allow AIGC to formally act as the Auditor Panel.

Membership of AIGC has been extended from two to three lay members, with two GP members being maintained. Quoracy for meetings has also been changed to two lay members and one GP member, which is to allow compliance with national requirements for when the AIGC acts as the Auditor Panel.

2.2 Update to the Terms of Reference of the Primary Care Co-commissioning Committee.

The Terms of Reference of the Primary Care Co-commissioning Committee have been updated to include:

- the signed Scheme of Delegation
- amendment to membership to include the Programme Director Primary Care
- Completion of required information relating to Accountability of the Committee and Procurement of Agreed Services.
- Schedule 2 of the Delegation Agreement appended to the Terms of Reference

2.3 Update to Terms of Reference of the Quality Assurance Committee

Minor change in relation to job title – Clinical Director to Medical Director

2.4 Clarity of Lay Member Roles

Changes within the body of the Constitution have been made to reflect changes to the roles of lay members. It now provides for flexibility as to which Lay Member is able to Chair Remuneration Committee.

3. Process for approval to amendments

In line with the CCG's Constitution, all member practice representatives will be invited to vote on the above proposals following approval by Governing Body.

The proposed changes have no significant impact on the CCG's ability to discharge its functions or those of its governing body.

The Constitution will be amended in line with approval/recommendations from the Governing Body and CCG membership in preparation for submission to NHS England.

4. Recommendation

The Governing Body is asked to approve the proposed revisions to the NHS Sheffield CCG Constitution

Paper prepared by Sue Laing, Senior Associate: Risk and Governance

On behalf of Tim Furness, Director of Delivery

May 2016

Proposed changes to NHS Sheffield Clinical Commissioning Group Constitution to be submitted to NHS England for consideration May 2016

Page No	Reference	Summary of Proposed Changes	To read
All Pages		Changes to footer throughout	Version 4.3 NHS Commissioning Board Effective Date May 2016 update)
2	Contents	Changes made to reflect addition/deletions to content	Updated content page
28	6.6.2)	Changes to roles of Lay Members	<ul style="list-style-type: none"> i) one to lead on finance, governance and strategy ii) two to lead on patient and public participation matters; iii) one to lead on primary care commissioning. iv) one to lead on remuneration v) one to lead on quality assurance <p>iv) The Governing Body's Vice Chair, as set out in paragraph 7.6, will also be the Chair of the Primary Care Commissioning Committee.</p>
28	6.6.5	Committees of the Governing Body – updated to include reference to Auditor Panel	The AIGC will also act as the CCG's Auditor Panel
38	7.14.1	Role of the Lay Members	The Lay Members are members of the Governing Body. They bring a strategic, but impartial external view to the work of the CCG that is removed from the day-to-day running of the organisation. There are four Lay Members, one with a lead role in overseeing key elements of finance, governance and strategy, and two with lead roles in championing patient and public involvement. As well as sharing responsibility with the other members for all aspects of Governing Body business, including serving on Governing Body Committees, one Lay Member will be identified to support and oversee key arrangements in respect of primary care commissioning. One Lay Member will Chair the Remuneration Committee and one will Chair the Quality Assurance Committee
APPENDIX J – Terms of Reference – Audit and Integrated Governance Committee			
122	External Audit	Updated following approval by Governing Body that the CCGs Audit and Integrated	The Committee will act as the CCG's Auditor Panel. It will formally record when it is acting as Auditor Panel.

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		Governance Committee Terms of Reference are updated to allow the AIGC to act as the Auditor Panel	<p>The Auditor Panel is an advisory body – it advises the CCG’s Governing Body on the selection and appointment of external auditors. It oversees the conducting of a market testing and procurement exercise for the appointment of an external auditor at least once every 5 years. It also resolves any issues from resignation and dismissal.</p> <p>The Auditor Panel will also ensure</p> <ul style="list-style-type: none"> - The relationship and communications with the external auditors are professional - Conflicts of interest are effectively dealt with
123	Membership		<p>The Committee shall consist of the following members:</p> <ul style="list-style-type: none"> • three Lay Members of the Governing Body; • two GPs who are Members of the Governing Body; <p>Neither the Chair of the Governing Body nor the Chief Finance Officer shall be a member of the Committee.</p> <p>The Lay Member on the Governing Body, with a lead role in overseeing key elements of governance, shall be the chair of the Committee. Either of the other Lay members on the committee shall deputise as chair in his/her absence</p>
123	Quorum		A quorum shall be three members, of whom two shall be a Lay Members and one shall be a GP.
APPENDIX J – TERMS OF REFERENCE – PRIMARY CARE COMMISSIONING COMMITTEE			
All		Paragraph re-numbering throughout	
4	Membership	Changes to membership	Includes Programme Director – Primary Care Membership table added to page 4
6	Accountability of the	Additional information included following delegation agreement	34. Responsibility of this Committee is outlined within the Sheffield Clinical Commissioning Group’s Constitution. The Committee is

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	Committee		<p>accountable to the Governing Body of the NHS Sheffield Clinical Commissioning Group.</p> <p>35. The Committee is responsible for both overseeing the management of primary care delegated budgets and ensuring decisions made do not exceed the primary care delegated budget for the CCG.</p> <p>36. The Committee will ensure that patient/public consultation is considered and undertaken when appropriate to aid decision making.</p> <p>37. For the avoidance of doubt, in the event of any conflict between the terms of these Terms of Reference and the Standing Orders or Standing Financial Instructions of the CCG, the latter will prevail.</p>
7	Procurement of Agreed Services	Additional information included following delegation agreement	38. The Committee will make procurement decisions relevant to the exercise of the delegated functions in accordance with the detailed arrangements regarding procurement set out in the Delegation Agreement between the CCG and NHS England.
8	Schedule 1	Signed Delegation	Appended
9	Schedule 2	Delegated Functions	Appended
APPENDIX J – TERMS OF REFERENCE – QUALITY ASSURANCE COMMITTEE			
	4	Membership – Change of Job Title	Medical Director