

Proposed Changes to the CCG Constitution and other Governance Matters

Governing Body meeting

G

7 September 2017

Author(s)	Sue Laing, Corporate Services Risk and Governance Manager
Sponsor Director	Julia Newton, Director of Finance
Is your report for Approval / Consideration / Noting	
<p>Approval and Noting</p> <p>This paper is designed to update Governing Body on a number of governance issues and ask for approval in three areas:</p> <ul style="list-style-type: none"> • Changes to NHS Sheffield CCG Constitution • Schedule of Governing Body meetings for 2018/19 • The Talbot Trusts – Appointment of a Nominated Trustee <p>And to note the position in two areas:</p> <ul style="list-style-type: none"> • Update regarding the appointment of Locality GP Representatives • Nominated Lay Member with responsibility for Emergency Preparedness Resilience and Response (EPRR) 	
Are there any Resource Implications (including Financial, Staffing etc)?	
No	
Audit Requirement	
<p><u>CCG Objectives</u></p> <p><i>Which of the CCG's objectives does this paper support?</i> Strategic Objective 5. Organisational development to ensure the CCG can achieve its aims and objectives and meet national requirements.</p> <p>Principal Risk 5.4 Inadequate adherence to principles of good governance and legal framework leading to breach of regulations and consequent reputational or financial damage</p>	
<u>Equality impact assessment</u>	
Have you carried out an Equality Impact Assessment and is it attached? No, There are no specific issues associated with this policy.	

PPE Activity

How does your paper support involving patients, carers and the public?

Not applicable

Recommendations

Governing Body is asked to:

- APPROVE the proposed changes to NHS Sheffield CCG's Constitution and recommend to Member Practices that they accept the proposed changes for final approval by NHS England.
- APPROVE the appointment of Dr Mike Sawkins as a CCG Nominated Trustee to the Talbot Trust for the period October 2017 to September 2021.
- APPROVE the proposed schedule of Governing Body meetings and strategic development sessions for 2018/19
- NOTE the update with regard to Locality GP Representative nominations
- NOTE the arrangements in place with regard to the Lay Member with responsibility for Emergency Preparedness, Resilience and Response

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1 Introduction / Background

This paper has been prepared to provide Governing Body with an update of a number of governance arrangements.

2 Changes to NHS Sheffield CCG Constitution

The Governing Body should note that CCG's Constitution was previously reviewed in 2016/17 and those amendments approved by the Governing Body (GB) and NHS England. The changes are detailed in the Constitution (Version 5.2 effective date October 2016).

A number of amendments are now required in order to ensure the Constitution reflects changes within the organisation, other legal requirements and good practice guidance. If approved by Governing Body the proposed changes will be shared with Member Practices for agreement and finally NHS England. It is hoped that the changes will have received final approval by NHS England no later than November 2017.

Key Changes Proposed

Details of the proposed key changes can be found at **Appendix A** to this paper. For brevity, the fully amended Constitution and supporting papers have not been attached to Governing Body papers, however, if copies of the "clean" or "track changed" documents are required they can be obtained by contacting the Committee Administrator / PA to Director of Finance.

Below is a summary of the key changes which include:

- Changes to the Executive Directors including some responsibilities
- Changes throughout to reflect the establishment of the Strategic Patient Public Engagement Experience and Equality Committee (SPEEC) (previously approved by GB July 2017)
- Clarity with regard to the process for the appointment of the Deputy Chair of GB (approved July 2017)
- Changes to practice information
- Updated references to the Standards of Business Conduct and Conflicts of Interest Policy and Procedures

3. Schedule of Governing Body meetings for 2018-19

The proposed schedule of dates for 2018/19 for Governing Body meetings to be held in Public and strategic development sessions is attached at Appendix B. Following discussion with the Accountable Officer and Chair it is proposed that for 2018 the July 2018 meeting becomes a full agenda meeting in public as was required in 2017 due to the span from late May to early September being too long without a meeting in public given the scale and range of issues which Governing Body is likely to need to continue to consider in 2018.

4. The Talbot Trusts – Appointment of Nominated Trustees

The CCG has the ability to nominate four of the eight Trustees for terms of four years to serve on the Trusts. It should be noted that the only responsibility for the CCG is to nominate trustees and the CCG has no liability as a result of this nomination process. Actual recruitment of these four trustees is undertaken by the Talbot Trusts with nominations made to the CCG.

- The trustees themselves bear the responsibility for the work of the Talbot Trusts
- The trustees are responsible for their own actions and as a body to their regulator the Charities Commission

The NHS Sheffield CCG Nominated Trustees are currently as follows:

- Dr Zak McMurray Appointed until 9 December 2020
- Mr Neil Charlesworth Appointed until 31 August 2020

The Governing Body is asked to confirm the appointment of Dr Mike Sawkins as a CCG Nominated Trustee for the period October 2017 to September 2021.

5. Update on Locality GP Representative nominations

The tenure of office of three of the four locality GP representatives will come to conclusion at 30th September 2017 as set out in the table below.

	Locality	Tenure (years)	Start date	End date
Dr Tim Moorhead	West	3	01.10.14	30.09.17
Dr Amir Afzal	Central	3	01.10.14	30.09.17
Dr Leigh Sorsbie	North	3	01.10.14	30.09.17
Dr Ngozi Anumba	HAS	3	18.05.15	17.05.18

Interest was therefore canvassed from each of the relevant localities inviting any interested GPs who believe they meet the specifications set out within the job description to make an application.

The CCG received a single application in relation to each of two localities. The panel at the CCG reviewing the applications confirmed that each of the applicants met the competencies for the role as specified in the job description. As a result each of

these localities is seeking to confirm from the practices in their localities that they support their locality single nomination. It is hoped that the processes will have been completed to confirm the GPs at Governing Body on 7 September.

More than one application was received in one locality, and in accordance with the CCG's Constitution, both candidates were also formally assessed against a list of essential and desirable competencies. Both applications were deemed to meet the competencies for the role. As a result in line with the CCG's Constitution an election by a simple majority of votes cast with one vote per member practice in the Locality will take place. The process for this election has been agreed and is underway with the expectation that it will be concluded by the end of September 2017.

6 Nominated Lay Member with responsibility for Emergency Preparedness Resilience and Response

Changes to the Emergency Preparedness Resilience and Response (EPRR) Core Standards for 2017-18, within the governance section, requires CCGs to confirm they have an identified, active Non-executive Director / Governing Body Representative who formally holds the EPRR portfolio for the organisation. Phil Taylor, interim Deputy Chair and Chair of AIGC has agreed to take forward this role in the short term pending a review of the responsibilities of all Lay Members following the appointment to the vacant Lay Member role.

7. Recommendations

Governing Body is asked to:

- APPROVE the proposed changes to NHS Sheffield CCG's Constitution and recommend to Member Practices that they accept the proposed changes for final approval by NHS England.
- APPROVE the proposed schedule of Governing Body meetings and strategic development sessions for 2018/19
- APPROVE the appointment of Dr Mike Sawkins as a CCG Nominated Trustee to the Talbot Trust for the period October 2017 to September 2021.
- NOTE the update with regard to Locality GP Representative nominations
- NOTE the arrangements in place with regard to the Lay Member with responsibility for Emergency Preparedness, Resilience and Response

Paper prepared by: Sue Laing, Corporate Services Risk and Governance Manager

On behalf of Julia Newton, Director of Finance

August 2017

Proposed changes to NHS Sheffield Clinical Commissioning Group Constitution to be submitted to NHS England for consideration: September 2017 (version 5.3)

Current Page No	Reference	Summary of Proposed Changes	To read
All pages		Changes to footer throughout	Version 5.3 NHS Commissioning Board Effective Date November 2017
Contents	7.13	Remove	Remove Role of the Director of Strategy and Integration
Contents	8.1	Update title	Standards of Business Conduct and Conflicts of Interest Policy and Procedure
13	5.1.2 ii)	<ul style="list-style-type: none"> Include reference to Strategic Patient Engagement, Experience and Equality Committee 	<ul style="list-style-type: none"> Strategic Patient Engagement, Experience and Equality Committee
14	5.1.2 b) i)	<ul style="list-style-type: none"> Change of acronym PEEG to SPEEC 	<ul style="list-style-type: none"> i) delegating delivery of this duty to the Strategic Public Engagement Experience and Equality Committee (SPEEC)
14	5.2.1	<ul style="list-style-type: none"> Change to delegation 	<ul style="list-style-type: none"> Make amendments to secure public involvement in the planning, development and consideration of proposals for changes and decisions affecting the operation of commissioning arrangements by: Delegating responsibility for assuring compliance with these duties to the Strategic Patient Engagement, Experience and Equality Committee
22	6.4.1 Committees of the CCG	<ul style="list-style-type: none"> New committee to be added 	f) Strategic Patient Engagement, Experience and Equality Committee accountable to the Governing Body
28	6.6.2	<ul style="list-style-type: none"> Change the number of voting Members on Governing body from 15 to 19 to correct previous error and reduction of one director. 	The Governing Body shall not have less than 19 voting Members,
Page 28	6.6.2 l) ii)	<ul style="list-style-type: none"> Remove reference to Director of Strategy and Integration 	Re-number i) – ii) iii)
Page 28	6.6.2	<ul style="list-style-type: none"> Under Lay Member bullet point remove reference to deputy chair also being Chair of Primary Care Co-commissioning Committee 	Point vi) to read: One to be the Deputy Chair of the Governing Body

Current Page No	Reference	Summary of Proposed Changes	To read
Page 30	6.6.5	<ul style="list-style-type: none"> Add in a section e) to summarise the functions of new Strategic Patient Engagement, Experience and Equality Committee 	<p>e) Strategic Patient Engagement, Experience and Equality Committee – is accountable to the CCG's Governing Body. The Committee has delegated responsibility for approval of the arrangements for discharging the CCG's statutory duties relating to public engagement and consultation and equality.</p> <p>The role of the Committee will be to:</p> <ul style="list-style-type: none"> Gain assurance that engagement, patient experience and equality and diversity activity is being carried out in line with statutory requirements and to a high standard Gain assurance that information from this activity is used appropriately to influence commissioning Oversee equalities, engagement and experience activity within its terms of reference Assure work in these areas is effectively joined up with partners
Page 33	7.6.1	Deputy Chair of the Governing Body – to update	Whilst the Chair is a clinician, the Deputy Chair of the Governing Body shall be the Lay Member of the Governing Body appointed by a majority of voting Governing Body members excluding the Lay Members and s/he shall deputise for the Chair of the Governing Body where the Chair has a conflict of interest or is otherwise unable to act.
Page 35	7.10.2	Role of the Registered Nurse as undertaken by the Chief Nurse – to add in additional responsibilities	<p>The following bullet points to be added to the description of role:</p> <ul style="list-style-type: none"> Acting as lead for Commissioning of Children's services Acting as lead for Continuing Health Care commissioning Responsibility for the CCG's Medicines Management function
Page 36	7.11	Director of Delivery – Care Outside of Hospital – to change responsibilities	<p>The following bullet points to be added to the description of role:</p> <ul style="list-style-type: none"> Acting as CCG lead for the Better Care Fund arrangements with Sheffield City Council and the CCG's link for public health with Sheffield City Council Act as lead for the CCG to support the requirements of the Sheffield Health & Wellbeing Board <p>The following bullet point to be removed:</p>

Current Page No	Reference	Summary of Proposed Changes	To read
			<ul style="list-style-type: none"> Being the CCG's lead officer for Emergency Preparedness, Resilience and Response (EPRR)
Page 37	7.13	Role of the Director of Strategy and Integration – to remove this section	Remove this section
Page 38	7.14	Director of Commissioning and Performance – to add in additional responsibilities	<p>The following bullet points to be added to the description of role:</p> <ul style="list-style-type: none"> Acting as lead for Elective and Urgent Care Commissioning Acting as lead for Mental Health and Learning Disability Commissioning and lead for Transforming Care (Learning Disabilities) Being the CCG's lead officer for Emergency Preparedness, Resilience and Response (EPRR)
Pages 39 – 40		Re-number paragraphs	
Page 39	7.15.2 c)	Role of Lay Members – remove reference to Conflicts of Interest Protocol	Standards of Business Conduct and Conflicts of Interest Policy and Procedures
Page 41	8.1.2	Remove reference to Conflicts of Interest Protocol	Standards of Business Conduct and Conflicts of Interest Policy and Procedures. The document is available on the CCG's website include link
Page 41	8.2.1	Remove reference to Conflicts of Interest Protocol	Standards of Business Conduct and Conflicts of Interest Policy and Procedures
APPENDIX A – DEFINITIONS OF KEY DESCRIPTIONS USED IN THIS CONSTITUTION			
Page 45	Conflicts of Interest Protocol	Update	Standards of Business Conduct and Conflicts of Interest Policy and Procedures
Page 47	Definitions	Remove reference to Director of Strategy and Integration	Remove reference to Director of Strategy and Integration
APPENDIX B – LIST OF MEMBER PRACTICES			
Pages 49 - 52		<ul style="list-style-type: none"> Remove reference to Westfield Health Centre Include Clover City Practice Change of address for Woodseats Medical Centre Change number of practices from 82 	

Current Page No	Reference	Summary of Proposed Changes	To read
APPENDIX C - STANDING ORDERS			
Page 54	Contents 2.2 j)	CCG Composition of Membership	Remove reference to Director of Strategy and Integration
Page 57	Definitions	Conflicts of Interest Protocol	Standards of Business Conduct and Conflicts of Interest Policy and Procedures
Page 59	Definitions	Officer Member	Remove reference to Director of Strategy and Integration
Page 72	2.2.11		Remove reference to Director of Strategy and Integration
Page 74	3.6 (4) Quorum of the Governing Body	Update paragraph - the position can be resolved by following the arrangements set out in paragraph 8.3 of the Conflicts of Interest Protocol	The position can be resolved by following the arrangements set out in paragraph 2.5 of the Standards of Business Conduct Policy and Procedure
Page 82	PFP 5.4 and PFP 7.5	Update	PFP 5.2 and PFP 7.5
Page 83	Constitution 6.6.1	Update – remove ‘delegated to Audit and Integrated Governance Committee’	Approval of the CCG’s Annual Report and Annual Accounts – delegated to Governing Body
Page 83	Constitution 8	Update paragraph - Recommend to CCG Members any changes to the Conflicts of Interest Protocol	Recommend to CCG Members any changes to the Standards of Business Conduct Policy and Procedures
Page 84	Constitution 5.2 and PFP 7.2	Update references	Constitution 5.3 and PFP 7.3
Page 86	PFP 22.1	Following recommendations by CET	Following recommendations by Clinical Commissioning Committee
Page 88	Constitution 8.3 SO 8.2	Ensure the CCG maintains up to date Register(s) of Interests to ensure its Register(s) are regularly reviewed (Delegated to Accountable Officer)	Ensure the CCG maintains up to date Register(s) of Interests to ensure its Register(s) are regularly reviewed (Delegated to Director of Finance)
APPENDIX D – SCHEME OF RESERVATION AND DELEGATION			
82	Appendix D	Include additional column re Strategic Patient Engagement, Experience and Equality Committee	Approval of the arrangements for discharging of the CCG’s statutory duties associated with its commissioning functions relating to public engagement and consultation and equality.
APPENDIX H – MAP OF GP PRACTICES ACROSS SHEFFIELD CITY			
Page 109	Map	Map to be updated to remove: <ul style="list-style-type: none"> Westfield Health Centre (now closed) 	Replace with updated map

Current Page No	Reference	Summary of Proposed Changes	To read
		<ul style="list-style-type: none"> • To include Clover City Practice as a main site • To remove reference to Beighton Health Centre branch surgery (now closed) 	

Page 110		To be updated to reflect change from Conflicts of Interest Protocol to Standards of Business Conduct and Conflicts of Interest Policy	<p>The Conflicts of Interest Protocol has now been updated and included within the Standards of Business Conduct and Conflicts of Interest Policy and Procedure which will enable the document to be updated and amended quickly and effectively to reflect current circumstances. All changes will be subject to rigorous governance processes, will be reviewed by the relevant committee / sub-committee as set out in the Scheme of Delegation. The Standards of Business Conduct and Conflicts of Interest Policy and Procedure will be published on the CCG's website. http://www.intranet.sheffieldccg.nhs.uk/policies.htm</p> <p>The document has been updated to reflect the good practice guidance included in "Managing Conflicts of Interest Revised Statutory Guide for CCGs 2017" issued by NHS England in June 2017</p>
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**Proposed Schedule of dates for future Governing Body meetings
to be held in public in 2018/19**

- 3 May 2018
- 24 May 2018
Meeting primarily to formally approve the CCG's 2017/18 audited annual accounts and annual report within the required national timetable. (As a result, there will be no meeting held in June)
- 5 July 2018

Please note there will not be a Governing Body meeting in August unless there are exceptional circumstances
- 6 September 2018
- 1 November 2018
- 10 January 2019
(To take account of the Christmas and New Year holiday period)
- 7 March 2019

**Proposed schedule of dates of future Governing Body
Strategic Development Sessions in 2018/19**

- 5 April 2018
- 24 May 2018
(following the expected short meeting in public)

Please note there will not be a Governing Body strategic development session in August unless there are exceptional circumstances

- 4 October 2018
- 6 December 2018
- 7 February 2019

All meetings to commence at 2.00 pm and take place in the Boardroom, 722 Prince of Wales Road, unless otherwise advised.