

Proposed Suspension of Standing Order 2.2.5(d)

Governing Body meeting

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7 March 2019

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Purpose of Paper	
<p>The purpose of the paper is to ask Governing Body to suspend Standing Order 2.2.5(d) which relates to the term of office of Lay Members of the CCG by enacting Standing Order 3.9.</p>	
Key Issues	
<p>The CCG's Lay Members are appointed through an open application and interview process for a period of three years. The term of office of one of the CCG's Lay Members, Professor Gamsu, is due to end on 30 June 2019. Following the publication of the NHS Long Term Plan and due to ongoing discussions on how the commissioning arrangements may evolve over the next 12 months, it is proposed that Professor Gamsu is offered an extension to his term of office by 12 months rather than the CCG proceed to an application and interview process for a three year term. As the term of office is specified in the CCG's Constitution under section 2.2.5(d) of the Standing Orders, to make this offer of an extension requires this paragraph of the Standing Orders to be suspended.</p>	
Is your report for Approval / Consideration / Noting	
Approval	
Recommendations / Action Required by Governing Body	
<p>The Governing Body is asked to:</p> <ul style="list-style-type: none"> a) Enact Standing Order 3.9 and suspend Standing Order 2.2.5(d) to allow an extension of the term of office for Lay Members. This suspension to be in place until NHS England approves a revised Constitution for the CCG (expected June 2019). b) Approve the extension of Professor Gamsu's contract for one year until 30 June 2020. 	
Governing Body Assurance Framework	
<p><i>Which of the CCG's objectives does this paper support?</i> This paper supports delivery of the CCG's Strategic Objective 5 - Organisational development to ensure CCG meets organisational health and capability requirements. It also gives assurances against 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>	

Are there any Resource Implications (including Financial, Staffing etc)?
No
Have you carried out an Equality Impact Assessment and is it attached?
<i>Please attach if completed. Please explain if not, why not</i> Not applicable
<i>Have you involved patients, carers and the public in the preparation of the report?</i>
Not relevant

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1. Introduction and Background

The CCG's Constitution sets out that Lay Members are appointed through an open application and interview process for a period of up to three years. Existing Lay Members can apply to be re-appointed provided they have not served more than nine consecutive years on the Governing Body. Under the CCG's Remuneration Committee forward planner, to allow sufficient lead time for the appropriate recruitment processes to take place it was planned that the Remuneration Committee at its 7 March 2019 meeting agree the process for the recruitment to the Lay Member's post due to end on 30 June 2019.

Following the publication of the NHS Long Term Plan, and in the light of the ongoing discussions on how NHS commissioning arrangements may evolve over the next 12 months, the CCG's Chair, Accountable Officer and Director of Finance have discussed whether it would be appropriate to instead offer the existing Lay Member, Professor Gamsu (who would be eligible to put himself forward for re-appointment) an extension to his term of office by 12 months. This would help provide continuity and experience into the Governing Body at a time when the CCG is currently recruiting to a replacement Lay Member for Finance, Governance and Strategy due to the current Lay Member not seeking re-appointment and also at a time of potential change in the role of CCG Lay Members as commissioning arrangements are likely to evolve both in Place and Integrated Care System (ICS) wide in the next year.

As the term of office is specified in the CCG's Constitution under section 2.2.5(d) of the Standing Orders, to make this offer of an extension requires this paragraph of the Standing Orders to be suspended.

2. Suspension of Standing Orders

The CCG's Constitution does allow for the suspension of a relevant Standing Order by enacting Standing Order 3.9 which states the following:

"Except where this would contravene any statutory provision or any direction may by the Secretary of State any one or more of the Standing Orders may be suspended at any meeting, provided that at least two-thirds of the whole number of the members of the Governing Body are present, (including at least one member who is an Officer Member of the CCG and one member who is not) and that at least two-thirds of those members present signify their agreement to such suspension. The reason for the suspension shall be recorded in the Governing Body's minutes".

For the purposes of this suspension decision, it is proposed that all voting members with the exception of Professor Gamsu who has a clear conflict of interest, are entitled to vote.

It is proposed that the other Lay Members do have a vote because they are not personally affected by the decision because the next Lay Member's three year term of office to come to an end is not until 30 June 2020 and we are proposing only to suspend the standing order for a short period of time. As we currently have one vacancy (Hallam and South Locality (HASL) nominated GP) that means there are 17 voting members eligible to vote which means 11 voting members must be present, and of these at least eight must agree the proposal for the suspension to take effect.

3. Recommendation

The Governing Body is asked to:

- a) Enact Standing Order 3.9 and suspend Standing Order 2.2.5(d) to allow an extension of the term of office for Lay Members. This suspension to be in place until NHS England approves a revised Constitution for the CCG (expected June 2019).
- b) Approve the extension of contract for one year until 30 June 2020 for Professor Gamsu

Paper prepared by Julia Newton, Director of Finance

On behalf of Julia Newton, Director of Finance and Dr Tim Moorhead, CCG Chair

February 2019