

Review of NHS Sheffield CCG's Constitution

Governing Body meeting

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14 January 2021

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Purpose of Paper	
The purpose of this paper is to ask Governing Body to recommend proposed changes to the Constitution for formal approval by NHS England / Improvement.	
Key Issues	
<ol style="list-style-type: none"> 1) In September 2019 NHS England approved an update to the Sheffield CCG Constitution. Given the recent changes to the Executive Director Team, it is good practice for Governing Body to review the Constitution. 2) A copy of the proposed new constitution with all its appendices has been provided to members of Governing Body as part of their information packs for this meeting. Tracked changes have been included for sections of text that have been added/deleted to help members identify where changes have been made. 3) The proposed changes to the constitution are not considered to have a material impact. The changes ensure information is up to date, add further clarification or add duties to the committees. The GB role descriptions have been removed as this information is not a requirement and therefore the proposed changes also bring the Sheffield CCG Constitution more in line with the national model constitution and those of the other South Yorkshire and Bassetlaw CCGs. 	
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"> • Confirm that the proposed changes to the Sheffield CCG Constitution do not have any material impact and therefore there is no requirement to seek the views of member practices; • Recommend the proposed changes to the Constitution for formal approval by NHS England / Improvement. 	

What assurance does this report provide to the Governing Body in relation to Governing Body Assurance Framework (GBAF) objectives?
<p>Which of the CCG's Objectives does this paper support? The CCG's Constitution underpins delivery of all of its five strategic objectives as set out in the GBAF.</p>
Are there any Resource Implications (including Financial, Staffing etc)?
Not specifically in relation to approval of this revised Constitution.
Have you carried out an Equality Impact Assessment and is it attached?
N/A
<i>Have you involved patients, carers and the public in the preparation of the report?</i>
N/A

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1. Introduction and Background

In May 2019 Governing Body approved an updated Sheffield CCG Constitution which was based upon the national model Constitution for CCGs published in autumn 2018. This was subsequently approved by NHS England in September 2019.

Given the recent changes to the Executive Director Team, it is good practice for Governing Body to review the Constitution.

This report outlines the key proposed changes, makes the case that these changes do not have a *material impact* and therefore proposes that Governing Body recommends that the changes to the Constitution are submitted for formal approval by NHS England / Improvement, without requiring agreement of member practices.

2. Key Changes

A copy of the proposed revised Constitution with all its appendices has been provided to members of Governing Body as part of their information pack for this meeting.

Tracked changes have been included for the sections of text that have been added/deleted to help members identify where changes have been made. To make it easier to follow, tracked changes have not been applied to changes in paragraph numbering.

The national model constitution remains unchanged and therefore, the review has focussed upon reflecting changes that have taken place since our current Constitution was finalised.

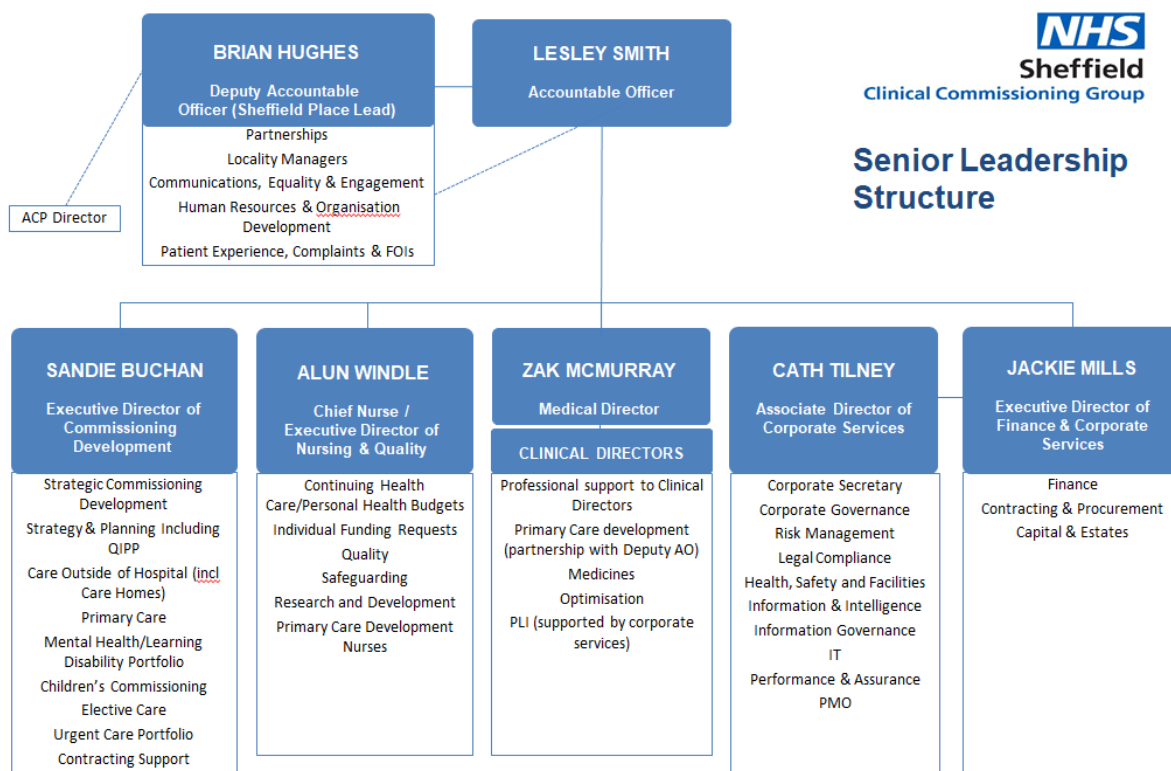
A) Main Body of Constitution

Updates in the main body of the Constitution include an updated map (section 2) and the Executive Director team changes that took place in summer 2020. The changes to the Executive Director team do not impact the *minimum membership requirement of the Governing Body* (section 5.5.2) the impact is to the *additional members* (section 5.5.3) which is a list of members decided locally.

The current version of the Sheffield CCG Constitution includes a role description for each member of Governing Body. This is not a mandatory requirement under the national model constitution. Most of the other South Yorkshire and Bassetlaw (SYB) CCGs' constitutions do not include role descriptions. Barnsley CCG, Doncaster CCG and the latest version of Rotherham CCG's constitution (awaiting approval) do not include role descriptions. Bassetlaw CCG does currently include role descriptions in their constitution.

Given the national direction of travel towards increased integration of commissioning across SYB it was thought that it would be sensible to include only the mandatory elements of the model constitution and therefore the updated version of the Sheffield CCG Constitution no longer includes role descriptions. It is proposed that the Governing Body member role descriptions be recorded in a separate document for approval by Governing Body. The starting point will be that the role descriptions will remain as per the current version of the Sheffield except where there have been changes to the Executive Director team and those will be in line with the role descriptions that have been agreed and are published on the CCG intranet (Figure 1).

Figure 1 – Executive Director role descriptions



Some paragraph numbering has been changed to bring it into line with the model constitution.

B) List of Member Practices by Locality

This has been updated to reflect any changes in membership practice details.

C) Standing Orders (SOs)

The SOs were reviewed by the Audit and Integrated Governance Committee (AIGC) in March 2020 and it was agreed that no changes were required. Subject to approval of the AIGC Terms of Reference by Governing Body and In line with the AIGC work plan this will be updated for AIGC approval at its meeting in March 2021.

D) Standing Financial Instructions (SFIs)

The SFIs were reviewed by AIGC in March 2020 and a change was agreed to allow the Deputy Accountable Officer to have the same approval limits and rights as the Accountable Officer. There was also an update to reflect new proposed quotation and tender limits. In line with the AIGC work plan this will be reviewed again in March 2021.

E) Prime Financial Policies (PFPs)

The PFPs were reviewed by AIGC in March 2020 and one small change was agreed which was the removal of reference to Commissioning Support Services as the CCG no longer contracts for large amounts with any commissioning support providers. There was also an update to reflect new proposed quotation and tender limits. In line with the AIGC work plan this will be reviewed again in March 2021.

F) Scheme of Reservation and Delegation (SoRD).

The SoRD was reviewed by the AIGC in March 2020 and it was agreed that no changes were required. In line with the AIGC work plan. Subject to approval of the AIGC Terms of Reference by Governing Body and In line with the AIGC work plan this will be updated for AIGC approval at its meeting in March 2021.

G) Committees' Terms of Reference (ToR)

Each Committee reviewed their ToR during the last four months of 2020. The one exception to this was the Quality Assurance Committee which has been delayed due to both Covid pressures and the introduction of a new chair in January 2021.

- **Audit and Integrated Governance Committee (AIGC)** ToR has now incorporated the Associate Director of Corporate Services and the Financial Accountant as regular attendees.
- **Remuneration Committee ToR** now has an added duty to *oversee the process for appointments to the Governing Body, assuring itself that proper and transparent arrangements are in place and are in line with the CCG's Constitution*. It also has some membership clarifications/changes.
- **Primary Care Commissioning Committee (PCCC)** made some small membership changes.

Although not a mandatory requirement, for completeness the ToR of the non-statutory committees are also included within the Constitution.

- **Governance Sub-Committee (GSc)** ToR have some changes in membership, the main one being to reflect that the Associate Director of Corporate Services is now the chair. Clarification on the IT related reporting is also provided. These changes have been approved by AIGC.
- **Strategic Public Involvement, Experience and Equality Committee (SPIEEC)** has changed its name (previously Strategic Patient Engagement, Experience and Equality Committee) and the ToR reflects the shift from public *engagement* to public *involvement*. It has added in wording linked to cross-system working/learning and updates membership/quoracy. More detail is provided on duties including being assured that the CCG ensures patient feedback for services provided by the CCG and that there are measures/processes in place to evaluate the impact of commissioning decisions.
- **Quality Assurance Committee (QAC)** will review the ToR in early 2021 given a new chair commenced in role January 2021.

3. Materiality and Next Steps

The Sheffield CCG Constitution states that *The Accountable Officer may periodically propose amendments to the Constitution which shall be considered and approved by the Governing Body but not by the CCG's member practices, unless changes are thought to have a material impact.*

The Constitution (section 1.4.2) also clarifies that:

Changes considered to have a material impact will include, but are not limited to:

- *A change in the number of GPs on Governing Body as voting members*
- *A change in the quoracy of voting members of Governing Body*
- *Changes to the role of the Chair of the CCG*

The changes outlined in section 2 of this report are not considered to have a material impact. They ensure information is up to date, add further clarification or add duties to the committees. The Governing Body role descriptions have been removed as this information is not required within a constitution and therefore the proposed changes also bring the Sheffield CCG Constitution more in line with the national model constitution and most other SYB CCGs.

Assuming Governing Body agrees that the changes do not have a material impact then Governing Body is able to recommend the proposed changes to the Constitution for formal approval by NHS England / Improvement without seeking the views of member practices. The changes to the Constitution must then be published on the CCG website and all member practices, staff and members of the public made aware.

4. Recommendations

Governing Body is asked to

- Confirm that the proposed changes to the Sheffield CCG Constitution do not have any material impact and therefore there is no requirement to seek the views of member practices;
- Recommend the proposed changes to the Constitution for formal approval by NHS England / Improvement.

Cath Tilney, Associate Director of Corporate Services

January 2021