

PUBLIC

For the attention of the Partnership Board

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| Title of Paper | CCG Partnership Constitutional Changes | | |
| Agenda Item | 9 | Date of meeting | 7 th February 2019 |
| Exec Lead | Roshan Patel, Director of Finance | | |
| Author | Ann Cooper, Deputy Director of Governance | | |

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| Purpose | For Decision | |
| | To Ratify | |
| | To Discuss | |
| | To Note | X |

Executive Summary

The CCGs within the Partnership have updated their Constitutions to set out the legal framework in which the CCGs will operate and work together. This paper provides an update on progress to approve the Constitutions through a process of engagement with member practices, governing bodies and NHS England. It gives a summary of what is in the Constitutions and what has been changed.

Background

The CCGs have all adopted the new NHS England template which is more streamlined and enables CCGs to set out their operational and local leadership arrangements within a separate and more accessible Governance Handbook.

The Constitutions are made up of a number of formal documents:

1. Model constitution;
2. Scheme of Reservation and Delegation;
3. Standing Orders;
4. Standing Financial Instructions; and
5. Terms of Reference for the main sub committees.

The proposed governance changes including revised Constitutions have been presented to the member practices across the CCGs within the Partnership. The individual Governing Bodies have also given approval for the changes to the Constitutions which were submitted to NHS England in November 2018.

Constitutions and what has been changed.

1. Revised Constitution

These Constitutions bring all the CCGs in line with the revised NHS England 2018 model Constitution, which came into place in September 2018. Each Constitution describes the high level make-up of our membership, how we exercise our functions, which committees we have and how we manage conflicts of interest. By law these have to remain distinct to each CCG, however the content of all the Constitutions is the same, ensuring we have consistency across the Hampshire and Isle of Wight CCG Partnership.

NHS England have taken steps to remove the requirement to include a number of sections that had previously been incorporated in the model, particularly where the information would be duplicated elsewhere, so the new Constitutions are somewhat shorter than the previous iterations the public may be familiar with.

2. Scheme of Reservation and Delegation

The Scheme of Reservation and Delegation (SoRD) is one of the elements that will need to be

submitted to NHS England alongside the Constitution. It describes how each CCG intends to carry out their statutory responsibilities as described in the NHS Act 2006 (the 2006 Act) as amended by the Health and Social Care Act 2012 (the 2012 Act).

The Scheme of Reservation and Delegation provides both NHS England and stakeholders with the assurance that the CCG has appropriate arrangements in place to exercise all of these statutory functions. It is intended as a high level document and therefore does not describe all of the activities of the CCG, just those described within the 2006 and 2012 Acts.

The Scheme of Reservation and Delegation is often supplemented with an Operational Scheme of Reservation and Delegation which describes in more practical terms the remit of committees.

3. Standing Orders

The standing orders are an important part of the Constitution as they set out the procedural details about how decisions will be made, including information regarding appointment or election of members, provision to hold meetings in public and quorum. Please note that these refer to the individual CCG and not to any Committees in Common. Arrangements for any Committees in Common will be covered within a separate Terms of Reference.

4. Standing Financial Instructions (SFIs)/ financial limits

Together with the Standing Orders, this provides the procedural framework within which decisions, including those relating to delegated functions, are made. These were approved by the Audit Committee in November 2018.

5. Subcommittee terms of reference

The new model constitution only requires the inclusion of the terms of reference for the statutory subcommittees, which are:

- Remuneration Committee;
- Audit and Risk Committee; and
- Primary Care Commissioning (delegated) Committee.

Each of these committees have now approved new terms of reference that reflect the new ways of working across the Partnership.

6. Governance Handbook

We will be developing a 'Governance Handbook' which will provide additional information about the governance of each organisation. The handbook should include the names of each committee established and its terms of reference. The handbook should also be published on each CCG website.

As the Governance Handbook is not a legally mandated document, CCGs are able to decide what they would like to include within it and so the committees content can sit alongside other governance content, such as the operational scheme of reservation and delegation.

Next steps

- February 2019 - NHS England final approval;
- March 2019 – CCG Governing Bodies final ratification;
- April 2019 – Constitutions and Governance Handbook published on websites.

Recommendations

The Board is asked to note the update on Constitutions and proposed publication date of the approved documents on the CCG websites.