

**NHS BOLTON CLINICAL COMMISSIONING GROUP
Public Board Meeting**

AGENDA ITEM NO:8.....

Date of Meeting:23rd March 2018.....

TITLE OF REPORT:	Proposal to Change the Membership of the Primary Care Commissioning Committee	
AUTHOR:	Joanne Taylor, Board Secretary	
PRESENTED BY:	Alan Stephenson, Chair of the Primary Care Commissioning Committee	
PURPOSE OF PAPER: (Linking to Strategic Objectives)	For the Board to approve the proposal to the change to the membership of the Primary Care Commissioning Committee.	
LINKS TO CORPORATE OBJECTIVES (tick relevant boxes):	Delivery of Year 1 Locality Plan.	
	Joint collaborative working with Bolton FT and the Council.	
	Supporting people in their home and community.	
	Shared health care records across Bolton.	
	Regulatory Requirement	
	Standing Item	√
RECOMMENDATION TO THE BOARD: (Please be clear if decision required, or for noting)	The Board is asked to approve the change to the membership of the Primary Care Commissioning Committee to increase the membership to include 2 elected members of Bolton Council as outlined in the attached terms of reference.	
COMMITTEES/GROUPS PREVIOUSLY CONSULTED:	CCG Chair and Chief Officer	
REVIEW OF CONFLICTS OF INTEREST:	Conflicts of Interest are reviewed at every meeting.	
VIEW OF THE PATIENTS, CARERS OR THE PUBLIC, AND THE EXTENT OF THEIR INVOLVEMENT:	Patient views are not specifically sought as part of this report.	
EQUALITY IMPACT ASSESSMENT (EIA) COMPLETED & OUTCOME OF ASSESSMENT:	EIA and an assessment is not considered necessary for the report.	

Primary Care Commissioning Committee

Terms of Reference

1. Introduction

- 1.1. Simon Stevens, the Chief Executive of NHS England, announced on 1 May 2014 that NHS England was inviting Clinical Commissioning Groups (CCGs) to expand their role in primary care commissioning and to submit expressions of interest setting out the CCG's preference for how it would like to exercise expanded primary medical care commissioning functions. One option available was that NHS England would delegate the exercise of certain specified primary care commissioning functions to a CCG.
- 1.2. In accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended), NHS England has delegated the exercise of the functions specified in Schedule 2 to these Terms of Reference to NHS Bolton CCG. The delegation is set out in Schedule 1.
- 1.3. The CCG has established the NHS Bolton CCG Primary Care Commissioning Committee ("the Committee"). The Committee will function as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers.
- 1.4. It is a committee comprising representatives of the following organisations:
 - NHS Bolton CCG;
 - An officer of Bolton Council;
 - Healthwatch Bolton;
 - GP not practising in Bolton
 - Member representatives: Local GP, Practice Manager
 - NHS England representatives including public health commissioning representative
 - **2 elected members of Bolton Council**
- 1.2. The NHS England and Bolton CCG Primary Care Commissioning Committee is a committee with the primary purpose of jointly commissioning primary medical services for the people of Bolton.

- 1.3. The NHS Bolton CCG Primary Care Commissioning Committee is established in accordance with NHS Bolton Clinical Commissioning Group's Constitution, Standing Orders and Scheme of Delegation.

These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the Committee and shall have effect as if incorporated into the Clinical Commissioning Group's Constitution and Standing Orders.

2. Statutory Framework

- 2.1. NHS England has delegated to the CCG authority to exercise the primary care commissioning functions set out in Schedule 2 in accordance with section 13Z of the NHS Act.

The National Health Service Act 2006 (as amended) ("NHS Act") provides, at section 13Z, that NHS England's functions may be exercised jointly with a CCG, and that functions exercised jointly in accordance with that section may be exercised by a committee of NHS England and the CCG. Section 13Z of the NHS Act further provides that arrangements made under that section may be on such terms and conditions as may be agreed between NHS England and the CCG.

- 2.2. Arrangements made under section 13Z may be on such terms and conditions (including terms as to payment) as may be agreed between the Board and the CCG.
- 2.3. Arrangements made under section 13Z do not affect the liability of NHS England for the exercise of any of its functions. However, the CCG acknowledges that in exercising its functions (including those delegated to it), it must comply with the statutory duties set out in Chapter A2 of the NHS Act and including:
 - 2.3.1. Management of conflicts of interest (section 140);
 - 2.3.2. Duty to promote the NHS Constitution (section 14P);
 - 2.3.3. Duty to exercise its functions effectively, efficiently and economically (section 14Q);
 - 2.3.4. Duty as to improvement in quality of services (section 14R);
 - 2.3.5. Duty in relation to quality of primary medical services (section 14S);
 - 2.3.6. Duties as to reducing inequalities (section 14T);
 - 2.3.7. Duty to promote the involvement of each patient (section 14U);
 - 2.3.8. Duty as to patient choice (section 14V);
 - 2.3.9. Duty as to promoting integration (section 14Z1);
 - 2.3.10 Public involvement and consultation (section 14Z2).
- 2.4. The CCG will also need to specifically, in respect of the delegated functions from NHS England, exercise those in accordance with the relevant provisions of section 13 of the NHS Act as set out below:

- Duty to have regard to impact on services in certain areas (section 13O);
- Duty as respects variation in provision of health services (section 13P).

2.5 The Committee is established as a committee of the Governing Body of NHS Bolton CCG in accordance with Schedule 1A of the “NHS Act”.

2.6 The members acknowledge that the Committee is subject to any directions made by NHS England or by the Secretary of State.

3. Role of the Committee

3.1 The Committee has been established in accordance with the above statutory provisions to enable the members to make collective decisions on the review, planning and procurement of primary care services in the borough of Bolton, under delegated authority from NHS England.

3.2 In performing its role the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and NHS Bolton CCG, which will sit alongside the delegation and terms of reference.

3.3 The functions of the Committee are undertaken in the context of a desire to promote increased co-commissioning to increase quality, efficiency, productivity and value for money and to remove administrative barriers.

3.4 The role of the Committee shall be to carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act, except those relating to individual GP performance management, which have been reserved to NHS England.

3.5 This includes the following:

- GMS, PMS and APMS contracts (including the design of PMS and APMS contracts, monitoring of contracts, taking contractual action such as issuing breach/remedial notices and removing a contract);
- Newly designed enhanced services (“Local Enhanced Services” and “Directed Enhanced Services”);
- Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF);
- Decision making on whether to establish new GP practices in an area;
- Approving practice mergers; and
- Making decisions on ‘discretionary’ payment (eg. Returner/retainer schemes).

- 3.6 The CCG will also carry out the following activities:
- Plan, including needs assessment, primary medical care services in Bolton borough;
 - Undertake reviews of primary medical services in Bolton borough;
 - Co-ordinate a common approach to the commissioning of primary care services generally;
 - Manage the budget for commissioning of primary medical care services in Bolton borough.
- 3.7 The committee will aim to deliver the following benefits:
- Improved provision of out-of hospital services for the benefit of patients and local populations;
 - a more integrated healthcare system that is affordable, high quality and which better meets local needs;
 - more optimal decisions to be made about how primary care resources are deployed;
 - greater consistency between outcome measures and incentives used in primary care services and wider out-of-hospital services; and
 - a more collaborative approach to designing local solutions for workforce, premises and IM&T challenges.
- 3.7.1 In performing its role the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and NHS Bolton CCG, which will sit alongside the delegation and terms of reference.

4. Geographical Coverage

- 4.1 The Committee's responsibilities will cover the same geographical area as those of NHS Bolton CCG.

5. Membership

- 5.1. The Committee will comprise of the following members:-
- 5.2.

Members (Designation)
CCG Governing Body Lay Member (Chair of the Group) (Voting)
Healthwatch Representative (Vice-Chair of the Group) (Voting)
CCG Chief Officer (Voting) (or their deputy)
CCG Chief Finance Officer (Voting) (or their deputy)
CCG Clinical Director Primary Care & Health Improvement (Non-Voting)
CCG AD Primary Care & Health Improvement (Voting)
2 Bolton Council Senior Officers (or their deputy) (Voting)

NHS England Primary Care Commissioning (or their deputy) – non voting
GP not practising in Bolton – non voting – currently vacant
Local GP – non voting
Local Practice Manager – non voting

A CCG Lay Member will Chair the Group, in accordance with national guidelines. In the absence of the Chair of the Committee, a lay chairman shall be nominated by other members attending that meeting.

The Committee has agreed that the CCG Chief Officer and Chief Finance Officer can appoint deputies to attend meetings on their behalf. The deputies are:

- Chief Officer – Director of Service Transformation.
- Chief Finance Officer – Deputy Chief Finance Officer.

6. Meetings and Voting

- 6.1 The Committee will operate in accordance with the CCG's Standing Orders. The Board Secretary will be responsible for giving notice of meetings. This will be accompanied by an agenda and supporting papers and sent to each member representative no later than 7 days before the date of the meeting. When the chair of the committee deems it necessary, in light of the urgent circumstances, to call a meeting at short notice, the notice period shall be such as s/he shall specify.
- 6.2 Each member of the Committee shall have one vote except those indicated in schedule 1 as non-voting. The Committee shall reach decisions by a simple majority of members present, but with the Chair having a second and deciding vote, if necessary. However, the aim of the Committee will be to achieve consensus decision-making wherever possible.
- 6.3 Meetings of the Committee shall:
- (a) Be held in public, subject to the application of point (b) below;
 - (b) The Committee may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by the Public Bodies (Admissions to Meetings) Act 1960 as amended or succeeded from time to time.

- 6.4 NHS England, Bolton CCG and Bolton Council have the right and responsibility to designate alternates of their own choosing to ensure they attend all meetings.
- 6.5 Members of the Committee have a collective responsibility for the operation of the Committee. They will participate in discussion, review evidence and provide objective expert input to the best of their knowledge and ability, and endeavor to reach a collective view.
- 6.6 The Committee may delegate tasks to such individuals, sub-committees or individual members as it shall see fit, provided that any such delegations are consistent with the parties' relevant governance arrangements, are recorded in a scheme of delegation, are governed by terms of reference as appropriate and reflect appropriate arrangements for the management of conflicts of interest.
- 6.7 The Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions.
- 6.8 Members of the Committee shall respect confidentiality requirements as set out in the CCG's Constitution.
- 6.9 The Committee will present its minutes to Governing Body of NHS Bolton CCG for information, including the minutes of any sub-committees to which responsibilities are delegated under section 8.4
- 6.10 The CCG will also comply with any reporting requirements set out in its Constitution.
- 6.11 Terms of Reference will be reviewed annually, reflecting experience of the Committee in fulfilling its functions. NHS England may also issue revised model terms of reference from time to time.
- 6.12 The Committee will also report to the governing body annually setting out how it has discharged its responsibilities and its terms of reference.

7. Quorum

- 7.1 Two thirds of voting members represents a quorum. This should include a majority of lay and executive members in attendance with eligibility to vote.

8. Handling Conflicts of Interest

- 8.1 As defined in the CCG's Conflicts of Interest Policy, where this Committee is taking a decision where a member of the Committee has a conflict of interest, the member/s will be excluded from the relevant

parts of the meeting and clearly and demonstrably take no part in the decision-making process.

9. Frequency of Meetings

9.1 The Committee will meet once every two months.

9.2 For any urgent interim decisions that are required. The process to follow is detailed below:

- Recommendation by the Operational Group.
- Notified to the Joint Commissioning Committee Chair in the first instance.
- Recommendation to the Joint Commissioning Committee for a “virtual” decision.
- Reported and recorded at the next meetings of the Joint Commissioning Committee and Operational Group.
- Reported to NHSE.

10. Secretary

10.1 The NHS Bolton CCG Board Secretary will provide administrative support to the Committee. The Board Secretary will be responsible for:

- Circulation of the minutes and action notes of the committee within 1 week of the meeting to all members.
- Supporting the chair in the management of business.
- Drawing the committee’s attention to best practice, national guidance and other relevant documents, as appropriate.
- Present the minutes and action notes to the governing body of NHS Bolton CCG.

10.2 Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the committee, and other persons required to attend no later than five working days before the date of the meeting. Supporting papers shall be sent to committee members and other attendees as appropriate, at the same time. These timescales can be amended by express agreement of the Chair of the Committee. Urgent items can be added to the agenda at short notice, only with the express agreement of the Chair of the Committee.

11. Policy and Best Practice

- 11.1 The Committee will apply best practice in its deliberations and in the decision making processes. It will conduct its business in accordance with national guidance and relevant codes of conduct and good governance practice.

Date Terms of Reference Agreed:

June 2017

Review Date:

June 2018

Schedule 1 – Delegation

List of Committee Members

Organisation/Group Represented	Member
CCG Governing Body Lay Member (Chair of the Group)	Alan Stephenson
Healthwatch Representative (Vice-Chair of the Group)	Jack Firth
CCG Chief Officer	Su Long
CCG Chief Finance Officer	Annette Walker
CCG Clinical Director Primary Care & Health Improvement	Stephen Liversedge
CCG AD Primary Care & Health Improvement	Lynda Helsby
NHS England Primary Care Commissioning	Jane Faulkner
Bolton Council Senior Officer	Debra Malone
GP not practising in Bolton – non voting	To be appointed Previously Ivan Benett
Local GP	Steven Whittaker
Local Practice Manager	Stacey Walsh