

Corporate Policy Committee

Date of Meeting:	04 November 2021
Report Title:	Integrated Care System Governance: The Cheshire Clinical Commissioning Group Cheshire East Place Committee interim arrangements – proposals and membership and Joint Scrutiny Committee Protocol.
Report of:	Helen Charlesworth May, Executive Director of Adults, Health and Integration
Report Reference No:	CP/56/21-22
Ward(s) Affected:	All

1. Executive Summary

- 1.1.** Under the Government's Health and Care Bill currently progressing through Parliament, the existing NHS Clinical Commissioning Groups (CCG) are set to be abolished and all CCG functions, assets and liabilities will transfer to their local 'Integrated Care Board' part of the 'Integrated Care System'. Locally this will see the demise of the Cheshire CCG with their functions, assets and liabilities passing to the Cheshire and Merseyside Integrated Care Board. These changes will (subject to legislation) go live on 1st April 2022.
- 1.2.** In preparation for this, the Cheshire CCG Governing Body has agreed to establish two interim 'NHS Cheshire CCG Place Committees', one each in Cheshire West and Chester and Cheshire East. These will be short term in existence (to March 31st, 2022) and will make decisions in relation to the CCG's functions that impact upon service provision in the respective local authority areas. It was felt that it would be appropriate to create 'place-based Committees' because the two local authority areas will form separate 'Place-based Partnerships' within the Cheshire and Merseyside Integrated Care System.
- 1.3.** The Cheshire CCG Governing Body Terms of Reference (see Appendix One) for the NHS Cheshire CCG Place Committee (Cheshire East) includes

a proposed membership of 'at least three nominated representatives from Cheshire East Council'. The Corporate Policy Committee is asked to consider and nominate the appropriate representatives to attend.

- 1.4. Additionally, the report references the Joint Scrutiny Committee Protocol previously adopted in May 2014 (see Appendix Two). It is timely for Policy Committee to reaffirm a commitment to the Protocol in the light of the significant changes underway.
- 1.5. The governance arrangements post April 2022 are in the process of being considered based on the current available information. A report for decision will come forward before Cheshire East commits to any new governance arrangements arising from the implementation of the legislation enacting Integrated Care Systems.
- 1.6. The work of the NHS Cheshire CCG Place Committee (Cheshire East) will contribute to the following corporate priorities:
 - Work together with our residents and partners to support people and communities to be strong and resilient.
 - Reduce health inequalities across the borough.
 - Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation.
 - Support all children to have the best start in life.

2. Recommendations

- 2.1. That the Corporate Policy Committee consider and nominate the local authority representatives to take up at least three places on the NHS Cheshire CCG Place Committee (Cheshire East) for the period November 2021 to March 2022.
- 2.2. That the nominated representatives are selected from those Councillors that are currently members of the Health and Wellbeing Board, the Adults and Health Committee and the Children and Families Committee on the basis that the business of the NHS Cheshire CCG Place Committee (Cheshire East) will most closely align with the Board and these two Committees.
- 2.3. That the Committee affirm the adoption of the joint scrutiny committee protocol of 2014.
- 2.4. Note scrutiny committees' terms of reference in the Health and Social Care Act 2006 and delegate the appointment of members to external scrutiny functions to the Scrutiny Committee who may invite any member with the appropriate knowledge of health and social care having regard to political proportionality.

3. Reasons for Recommendations

- 3.1.** The Constitution (para. 2.16, page 13-chapter 2 part 4 June 2021) sets out that the Corporate Policy Committee has the delegated power to appoint representatives to serve on outside bodies and organisations (including education bodies and establishments).
- 3.2.** The Council involvement and engagement with the CCG place-based committee will be important, to ensure that the business of the CCG in and related to Cheshire East and the transition arrangements to the new system are considered and managed in an integrated way and take into account the views of the local authority.
- 3.3.** The provision for members who are also members of, or work closely with, the Health and Wellbeing Board to be involved, gives a valuable opportunity to gain insight and understanding of the 'NHS Place' role. As the governance system develops, work programmes are clarified, and meeting schedules confirmed it is likely that the Health and Wellbeing Board will increase in strategic importance and Place develop a more delivery orientated, high frequency pattern of meetings. The learning that members take from the interim arrangements will inform the necessary careful consideration, to ensure members time is best used and in assessing the balance between Health and Wellbeing and NHS Place Committee.
- 3.4.** Policy Committee should take this opportunity to reaffirm the previous Constitution Committee decision in respect of the joint scrutiny committee protocol adopted (1st May 2014).
- 3.5.** The protocol has come to the fore in recent times because of the significant changes in the national approach to the structure of the NHS. It is appropriate for the local authority to fulfil its obligations under the relevant legislation and ensure that appropriate scrutiny is provided.
- 3.6.** This would essentially allow the service committee chairs/vice chairs to move forward with the service elements relating to reform whilst allowing a cross group 'second pair of eyes' to help inform the policy issues.

4. Other Options Considered

- 4.1.** Not applicable

5. Background

- 5.1.** The Health and Care Bill, introduced to Parliament in early July, sets out proposals for significant change to the organisation of the NHS with the creation of 42 Integrated Care Systems (ICS) across England. Each of these ICS will consist of an Integrated Care Board, an Integrated Care Partnership and a number of place-based partnerships (on local authority footprints). Cheshire East will be a part of the Cheshire and Merseyside ICS

with eight other place-based partnerships, for example Warrington, Halton and Cheshire West and Chester).

- 5.2.** These proposals build upon work that has been under way over many years to improve integration between different parts of the health system and between health and social care. In Cheshire East we have had a Place Partnership Board overseeing local work to achieve this since early 2018 with all partners actively engaged and good progress has been made, particularly in relation to joint commissioning and joint strategy development. Considerable work is now underway to ensure that we are ready for 1st April 2022.
- 5.3.** One of the most fundamental elements of the Bill's proposals is the abolition of the Clinical Commissioning Groups. Their functions, assets and liabilities will transfer to the Integrated Care Board. There will then be some delegation back to each place-based partnership, but the details of this are still being determined.
- 5.4.** In preparation for this, the Cheshire CCG Governing Body has agreed to establish two 'NHS Cheshire CCG Place Committees', one each in Cheshire West and Chester and Cheshire East. These will be short term interim arrangements (from November 2021 to March 31st 2022). The Place Committees will undertake some of the functions and responsibilities exercisable by the CCG, in relation to the residents of and /or patients registered with a GP Practice located within the respective Places. The Cheshire CCG Governing Body and the Cheshire and Merseyside CCGs Joint Committee will continue to make decisions that are not delegated to the Place Committee.
- 5.5.** The Terms of Reference (ToR), agreed by the Cheshire CCG Governing Body for the NHS Cheshire CCG Place Committee, are attached as Appendix One. The proposed membership of the Committee includes at least three nominated representatives from Cheshire East Council (who will be voting members). The Corporate Policy Committee is asked to consider these ToR and nominate those representatives of Cheshire East Council that they would like to attend the meetings. At present this approach represents appointments by Cheshire East to an outside body the (NHS/CCG) Place Board.
- 5.6.** It is suggested that the three representatives are selected from those Councillors that are currently members of the Health and Wellbeing Board, the Adults and Health Committee and the Children and Families Committee on the basis that the business of the NHS Cheshire CCG Place Committee (Cheshire East) will most closely align with the Board and these two Committees.
- 5.7.** Additionally, the Terms of reference allow for 'regular attendees' to be invited to join the Committee, '...in order to inform decision making and the discharge of its functions'. It is anticipated that this could include the Chief

Executive, the Executive Director of Adults, Health and Integration, the Executive Director of Children's Services and the Director of Public Health.

- 5.8.** It is understood that the first meeting of the new NHS Cheshire CCG Place Committee (Cheshire East) will be in November and then monthly through to March 2022. This is phase one of a move towards new governance arrangements. This arrangement will end on 31st March 2022 as the CCG will cease to exist.
- 5.9.** It should be noted that no Cheshire East Council functions are delegated to the NHS Cheshire CCG Place Committee (Cheshire East). Decisions will only be being made in relation to CCG business which will include the CCG's approval of joint commissioning decisions (note that decisions regarding joint commissioning would also go to the Adults and Health Committee for local authority approval).
- 5.10.** It should also be noted that work is ongoing to review the options for the place-based governance arrangements after 1st April 2022 (Phase 2 of the work). This is being undertaken in line with the guidance from the ICS and is led by the Place Partnership Executive Group, of which the Council's Chief Executive Officer is a key member, together with local NHS chief executives and other senior leaders. It is anticipated that decisions regarding the new arrangements will need making in the early part of 2022 and would go live after April 2022.
- 5.11.** The significant changes that are underway as a result of the Health and Care Bill have also prompted thinking regarding joint scrutiny arrangements.
- 5.12.** The previously adopted Joint Scrutiny Committee Protocol for Cheshire and Merseyside has been reviewed and agreed as being fit for purpose. The Protocol provides at 6.3 full membership to be made up as follows:
- “6.3.1 Each participating local authority should ensure that those Councillors it nominates to a joint health overview and scrutiny committee reflect its own political balance. However, overall political balance requirements may be waived with the agreement of all participating local authorities.*
- 6.3.2 A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:*
- where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members*
 - where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.*

(Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)

Local authorities who consider change to be 'substantial'	Number of elected members to be nominated from each authority
4 or more	2 members
3 or less	3 members

6.3.3 Each local authority will be obliged to nominate elected members through their own relevant internal processes and provide notification of those members to the lead local administrative authority at the earliest opportunity.

6.3.4 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested that constituent authorities arrange for delegated decision-making arrangements to be put in place to deal with such nominations at the earliest opportunity."

- 5.13.** The changing governance arrangements of the local authority require some adaptation to this approach as the provisions relating to scrutiny committees under a committee system are permissive not mandatory.
- 5.14.** In the short term it is anticipated that the major changes in the health service will be delivered over the next 12 months and those changes require scrutiny. This may be achieved by Scrutiny Committee appointing any member they considered to be suitably qualified to a joint scrutiny board. The joint scrutiny would in essence be a separate joint entity and it is not proposed to limit the pool of membership to just members of Scrutiny Committee as the criteria above is heavily reliant upon relevant expertise. A close working relationship with Cheshire & Cheshire West may be anticipated having regard to the proposed reforms. These appointments will be to a committee undertaking Scrutiny functions as Cheshire East Council and voting members should be politically proportionate.

6. Implications

6.1. Legal

- 6.1.1.** The Health and Care Bill represents a major overhaul of NHS structures and has implications for the social care sector with the establishment of an 'Integrated Care Board' as part the 'Integrated Care System.'
- 6.1.2.** This report demonstrates adherence to the draft bill and progress towards the establishment of a statutory integrated care board by the establishment of the interim NHS Cheshire CCG Place Committee

6.1.3. The legal authority for the recommendation is correctly identified at paragraph 3.1 of this report with reference to Chapter 2 - Part 4 paragraph 2.16 of the Constitution which sets out the functions of the Corporate Policy Committee and the Committee's responsibilities which include the appointment of representatives to serve on outside bodies and organisations and to review the process for considering appointments to outside organisations.

6.2. Finance

6.2.1. There are no specific financial implications in relation to this report through to March 2022. Beyond this point, once these implications have been determined, these will be brought to the appropriate decision - making body within the Council for approval, and where necessary, will be fully reflected within the Council's Medium Term Financial Strategy.

6.3. Policy

6.3.1. The proposals set out in the Health and Care Bill will affect many aspects of health and care organisation and delivery. Local authorities are key partners and working with the CCG to manage its business through to the end of March 2022, will provide further opportunity to influence at both a local level, but also in the planning for the new arrangements.

6.4. Equality

6.4.1. There are no specific equality implications in relation to this report.

6.5. Human Resources

6.5.1. There are no specific HR implications in relation to this report.

6.6. Risk Management

6.6.1. There are no specific risk management implications in relation to this report.

6.7. Rural Communities

6.7.1. Attendance at the NHS Cheshire CCG Place Committee (Cheshire East) will provide an opportunity for the needs of our rural communities to be raised and considered as the business of the Committee is conducted.

6.8. Children and Young People/Cared for Children

6.8.1. Attendance at the NHS Cheshire CCG Place Committee (Cheshire East) will also provide opportunities to champion the needs of all children and young people and influence decision making in relation to service provision for them.

6.9. Public Health

6.9.1. The Director of Public Health is a member of the current CCG Governing Body. It is anticipated that he, or a member of the Public Health Senior

Management Team will be invited as a 'regular attendee' of the NHS Cheshire CCG Place Committee (Cheshire East), as set out in the draft Terms of Reference, to advise the Committee on public health related issues.

6.10. Climate Change

6.10.1. Attendance at the Committee will allow for the climate change implications of the Committee's decision making to be raised and considered as appropriate.

Access to Information	
Contact Officer:	Guy Kilminster, Corporate Manager Health Improvement Guy.kilminster@cheshireeast.gov.uk 07795 617363
Appendices:	Appendix One – NHS Cheshire CCG Place Committee Terms of Reference Appendix Two – Joint Cheshire and Merseyside Scrutiny Protocol
Background Papers:	Key documents from NHS England relating to the creation of the Integrated Care Systems can be found here: NHS England » Key documents for Integrated Care Systems