

Cheshire East Section 75 Joint Committee – Terms of Reference

1. Establishment and Purpose of the Committee

The Section 75 Joint Committee ('Committee') is a meeting of Cheshire East Council (CEC) and NHS Cheshire Clinical Commissioning Group (CCG). On 1 July 2022 the functions and responsibilities of the CCG will transfer under the Health & Care Act 2022 to the Cheshire and Merseyside Integrated Care Board. Existing joint agreements, such as the Section 75 Agreement ('S75 Agreement'), and agreed Terms of References for joint committees will be inherited and adopted by the ICB. As such all references to 'CCG' shall now referred to as 'ICB' to reflect the change to take effect from 1st July 2022.

The Committee will ensure delivery of outcomes in the priority areas of focus set out in the S75 agreement on 1st April 2022 between CEC and the ICB and will work towards the future intentions set out in Schedule 1 Part 3 of the S75 Agreement.

The Cheshire East Section 75 Joint Committee ('the Committee') will facilitate bringing together a single commissioning voice to ensure the design and implementation of new models of care that deliver the outcomes required for the Cheshire East population.

The Committee will support CEC and the ICB to deliver national requirements, including but not limited to the NHS Long Term Plan, and Spending Review, within Cheshire East.

2. Membership

The membership of the Committee comprises the Director of Adults, Health & Integration (CEC) and the Cheshire East Place Director (ICB) or any other substitute nominated by those members.

Membership of the Committee may change if the scope of the Committee changes. Membership changes will need to be agreed by the member organisations of the Committee.

3. Authority/Accountability

The Committee is a meeting of the Council and the ICB representatives with the purpose of agreeing joint health and social care commissioning and delivery plans for Cheshire East. In discharging this, the Committee will use the authorised delegated authority of its individual representatives either under the Council/ICB Scheme of Delegation or through the S75 Agreement, as applicable. Both parties will have regard to any internal controls or statutory limits on their powers, and make these clear to the other party.

The Committee is also authorised to create working groups as necessary to fulfil its responsibilities within these terms of reference.

The existing Cheshire East Better Care Fund Governance Group (BCF Group) will report to and support the Committee.

4. Attendees

In addition to the Committee members, all members of the Cheshire Place Partnership Board [working title] are invited to attend all meetings of the Joint Committee and participate in the discussions of the Committee to help inform the decisions to be undertaken by its members.

Others may also be invited to attend the Joint Committee as necessary on an ad-hoc basis to inform discussions.

5. Quorum

The Joint Committee will not be quorate and meet unless there is a member from each of the ICB and CEC.

The Joint Committee will aim to achieve its decisions by consensus of its members and attendees and so formal voting would be a last resort. Given the nature of the programme, securing the support of partners will be critical to the success of Joint Commissioning for Health and Care. In the event that a decision cannot be reached by consensus then only the named members of the Committee can vote.

In the event that it is unable to achieve agreement, all disputes will be dealt with in accordance with the mechanisms set out in the S75 Agreement.

Members will be required to be aware of what may constitute a conflict of interest, and will ensure that conflicts of interest are formally disclosed and will ensure they are subsequently managed in adherence with their organisations' respective policies. In addition, relevant Codes of Conduct will be followed at all times alongside adherence to the Nolan Principles and compliance with any statutory bar on participation and/or voting in particular circumstances.

6. Frequency and Notice of Meetings

Meetings will be scheduled to be held bi-monthly. It is intended that when and where possible the Joint Committee meeting will be held at the same time and in the same place as the Cheshire East Place Partnership Board, as a meetings in common. Meetings can be held in public or in private. However, meetings can be held separately from the Cheshire East Place Partnership Board. Additional meetings may be required and the members of the Joint Committee can determine the exact frequency of meetings.

In addition, the members of the Joint Committee may call extraordinary meetings at their discretion. A minimum of five working days' notice will be required.

The agenda and papers will be distributed to members of the Committee at least five clear days in advance of the meeting, unless otherwise agreed by the Members. Papers for meetings in public will be published and be available on both organisations' websites five clear days in advance of the meeting.

7. Minutes and Reporting Arrangements

The Joint Committee will formally record its deliberations within relevant minutes / action notes. This function will be undertaken by the designated officer support, alongside the management of paperwork and version control.

8. Meeting Effectiveness Review

Members of the Joint Committee have a collective responsibility for its operation. They will participate in discussion, review evidence and provide objective and informed input to the best of their knowledge and ability, and endeavour to reach a collective view.

Members of the Joint Committee will behave in a manner consistent with the principles and behaviours expected from members of the Cheshire East Place Partnership Board, recognising that the success of the work programme will depend upon relationships and an environment of integrity, trust, collaboration and innovation.

These Terms of Reference may be amended by mutual agreement between parties at any time to reflect changes in circumstances which may arise.

9. Review to be conducted by Committee

The Terms of Reference of the committee shall be reviewed when required, in line with any review of the Place Partnership Board Terms of Reference.

Date Terms of Reference Agreed:

NHS Cheshire CCG Governing Body: 30 June 2022

Cheshire East Council: