

NHS Cheshire CCG Place Committee (Cheshire East)

Terms of Reference

Approved
9/16/2021

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Introduction

The NHS Cheshire Clinical Commissioning Group (CCG) Place Committee (Cheshire East) ('the Committee') is established as a decision making committee of NHS Cheshire CCG. It will function as a corporate decision-making body of the CCG for the management and oversight of its functions and the exercise of its powers as delegated to the Committee. The decision making authority of the Committee has been delegated to the Committee by the Governing Body.

The Committee has been established in accordance with the NHS Cheshire CCG Constitution, Prime Financial Policies, CCG Scheme of Delegation and the Delegation Agreement between NHS England and the CCG in relation to primary medical services.

These Terms of Reference define the membership, remit, responsibilities, authority and reporting arrangements of the Committee which meet the requirements of the Constitution of the CCG and Managing Conflicts of Interest: Statutory Guidance for CCGs.

Accountability for the delivery of the CCGs functions, statutory duties and delegated arrangements continue to be the responsibility of the CCG Governing Body.

Role and scope of the Committee

The Committee shall undertake all of the functions and responsibilities exercisable by the CCG which are not otherwise delegated to other Committees of the CCG or that which are retained by the CCGs GP membership, Governing Body, Primary (GP) Care Commissioning Committee) or delegated to the Joint Committee of the Cheshire and Merseyside CCGs, in accordance with that outlined within the CCGs Constitution and Scheme of Reservation and Delegation (SoRD).

The Committee will exercise these functions and responsibilities in relation to the residents of and/or patients registered with a GP Practice located within the Cheshire East geographical area ('known as the Cheshire East Place') with the objective of supporting the delivery of NHS Cheshire CCGs Strategic Objectives 2020-2023 and to address the wider determinants of health and health inequalities.

Such functions and responsibilities include but are not limited to:

- efficient joint decision making and clearer decision making;
- CCG decisions relating to Integrated Commissioning, including the Better Care Fund;
- CCG decisions related to primary care commissioning not covered within the delegation agreement between NHS England and NHS Cheshire CCG and not within the scope of the CCGs Primary Care Commissioning Committee
- approve service models, specifications, and business cases up to the value as determined by the CCG's SoRD;
- developing, agreeing and monitoring service transformation plans;
- overseeing quality of the CCG commissioned services across the Cheshire East place and making decisions on any improvement action required;
- reviewing and evaluating services, making decisions on commissioning and decommissioning as appropriate;
- approving the CCG's arrangements for safeguarding children and vulnerable adults in the Cheshire East Place;
- approving arrangements, including supporting policies, to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes;

- providing assurance to the Governing Body, CCG members and other relevant parties on delivery of statutory functions and responsibilities exercisable by the CCG;

The Committee will also have the authority to:

- commission any reports, surveys or reviews of services it deems necessary to help it fulfil its obligations, along with any scrutinising independent investigation reports relating to performance, quality and safeguarding
- commission, review and authorising policies where they are explicitly related to areas within the scope of the Committee, or where specifically delegated by the Governing Body
- request further investigation or assurance on any area within its remit
- bring matters to the attention of other committees to investigate or seek assurance where they fall within the remit of that committee
- make recommendations to the Governing Body CCG, Primary (GP) Care Commissioning Committee and the Joint Committee of the Cheshire and Merseyside CCGs on matters not within the authority of the Committee to approve directly
- escalate issues to the Governing Body, CCG Primary (GP) Care Commissioning Committee and the Joint Committee of the Cheshire and Merseyside CCGs
- produce a work plan to discharge its responsibilities
- approve the terms of reference of any sub-groups to the Committee
- delegate tasks to such individuals, sub-groups or individual members as it shall see fit, provided that any such delegations are consistent with relevant governance arrangements and national guidance, 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.

In performing its role, the Committee will:

- agree and oversee risk management strategy to support decision-making in all areas of business related to the Committees remit.
- ensure appropriate patient, public and carer consultation and engagement, which meets best practice standards and is compliant with CCGs' statutory responsibilities with regard to involvement, as set out in the NHS Act 2006 (as amended)
- ensure appropriate consultation with the Overview and Scrutiny Committees and Health and Wellbeing Boards (or equivalent) established by the relevant Local Authorities
- ensure that Procurement, Patient Choice and Competition (No.2) Regulations 2013 are followed.
- ensure that no contracts for NHS healthcare services will be awarded where conflicts or potential conflicts of interest affect or appear to affect the integrity of the award.

Whilst it is acknowledged that the CCG Governing Body remains accountable for the CCG in meeting its statutory duties, the Committee will undertake its delegated functions in a manner which complies with the statutory duties of CCGs as set out in the NHS Act 2006 and including:

- Management of conflicts of interest (section 14O)
- Duty to promote the NHS Constitution (section 14P)
- Duty to exercise its functions effectively, efficiently and economically (section 14Q)
- Duty as to the improvement in quality of services (section 14R)
- Duties as to reducing inequalities (section 14T)
- Duty to promote the involvement of patients (section 14U)
- Duty as to patient choice (section 14V)
- Duty as to promoting integration (section 14Z1)
- Public involvement and consultation (section 14Z2).

Sub-groups

The Committee may delegate responsibility for specific aspects of its duties to sub-groups, however responsibility for making decisions continues to be reserved to the Committee. The terms of reference of any sub groups shall be approved by the Committee. Approved minutes or signed off minutes by the chair of the lower sub groups should be submitted to the Committee for information and future assurance

Chair arrangements

The role of Chair of the Committee will be undertaken by the CCG GP Chair. The role of Vice Chair of the Committee will be appointed by the Committee Chair. The Vice Chair will be drawn from one of the Committee members with a voting right.

If in the event that the GP Chair or the Vice Chair (or their nominated deputy) is unable to be present at the meeting where there is a conflict of interest then one of the other voting members (where not conflicted) will be asked to Chair the meeting for this item.

Membership

Membership of the Committee includes those drawn from the CCG Governing Body and those from partner organisations.

Voting CCG Member
CCG GP Chair(*)
CCG Accountable Officer
CCG Executive Director for Finance and Contracting
at least two CCG Governing Body GPs
at least one CCG Independent Lay Member – PPI
at least one Independent Lay Member – Governance
at least one CCG Governing Body Independent Clinical Representative
Voting Partner Member
at least three nominated representatives from Cheshire East Council
at least one nominated representative from East Cheshire NHS Trust (ECT)
at least one nominated representative from Mid Cheshire Hospitals NHS Foundation Trust (MCH FT)
at least one nominated representative from Cheshire and Wirral Partnership NHS Foundation Trust (CWP)

Committee members may nominate a suitable deputy when necessary and their attendance is subject to the approval of the Chair of the Committee. A person attending a meeting as a representative / deputy of a Committee member shall have the same right to vote as the member they are representing.

For the position of Committee Chair, the nominated deputy must be drawn from one of the CCGs Governing Body GPs.

All deputies should be fully briefed and the Committee secretariat informed of any agreement to deputise, so that quoracy can be maintained. Alternatively, where a deputy is unable to be identified or be in attendance, members' views may be sought by email and reported verbally at the meeting so as to be formally recorded.

Members of the Committee will be listed in the CCG Annual Report and Accounts.

The Committee may invite specified individuals from within and outside of the CCG to be regular attendees at its meeting in order to inform its decision making and the discharge of its functions as it sees fit.

Regular attendees will receive advanced copies of the notice, agenda and papers for Committee meetings. They may be invited to attend any or all of the Committee meetings, or part(s) of a meeting by the Chair. Any such person may be invited, at the discretion of the Chair to ask questions and address the meeting, but may not vote.

Attendees with a standing invite to attend Committee meetings include:

Regular Attendees
Members of the CCG Executive Team
a representative from Healthwatch Cheshire
a representative from the Cheshire Local Medical Committee
at least one Cheshire & Merseyside Health and Care Partnership Representative

Declarations of interest, conflicts and potential conflicts of interest

All members shall comply with best practice and statutory guidance where applicable in the management of conflicts and potential conflicts of interest. Committee members should:

- complete the standard CCG declaration of interests form so that their interests are recorded
- inform the Chair of any interests they hold which relate to the business of the Committee
- inform the Chair of any previously agreed treatment of the potential conflict / conflict of interest.
- abide by the Chair's ruling on the treatment of conflicts / potential conflicts of interest in relation to ongoing involvement in the work of the Committee.
- inform the Chair of any conflicts / potential conflicts of interest in any item of business to be discussed at a meeting. This should be done in advance of the meeting wherever possible.
- declare conflicts / potential conflicts of interest in any item of business to be discussed at a meeting under the standing "declaration of interest" item.
- abide by the Chair's decision on appropriate treatment of a conflicts / potential conflict of interest in any business to be discussed at a meeting.

Responsibilities of all members

As well as complying with requirements around declaring and managing potential conflicts of interest, members should:

- comply with the CCG policies on standards of business conduct which include upholding the Nolan Principles of Public Life;
- attend meetings, having read all papers beforehand;
- arrange an appropriate deputy to attend on their behalf, if necessary;
- comply with the CCG's administrative arrangements to support the Committee around identifying agenda items for discussion, the submission of reports etc.

Quorum and voting arrangements

A quorum necessary for the Committee to undertake its business shall be at least four voting members of the Committee, comprising:

- the Chair (or nominated deputy)
- at least one Independent CCG Governing Body Member
- either the CCG Accountable Officer or the Executive Director for Finance and Contracting (or nominated deputy)
- at least one other voting member.

Where a quorum cannot be convened from the membership of the meeting, owing to the arrangements for managing conflicts of interest or potential conflicts of interests, the Chair of the meeting shall consult with the CCG Director of Governance and Corporate Development on the action to be taken.

Where a meeting is not quorate, owing to the absence of certain members, the meeting may be deferred until such time as a quorum can be convened. Where there is a need for urgent decision-making between meetings, this will be undertaken by email or through an extraordinary meeting if required. This will be on an exceptional basis and all decisions will be brought to the next formal meeting for ratification.

It is the responsibility of each member to notify the Chair at least 48 hours in advance of a meeting if they are unable to attend and they intend to send a deputy or are unable to field a representative.

Each voting member of the Committee shall have one vote. The Committee shall reach decisions by a simple majority of the voting members present at a meeting, but with the Chair of the meeting (or item where a conflict of interest is present) having a second and deciding vote if required. In all circumstances where a vote is required this must be undertaken where CCG voting members are in the majority. However, the aim of the Committee will be to achieve decision-making by consensus rather than through formal voting.

Decisions

The Committee will make decisions within the bounds of its remit and delegated authority.

The Committee is responsible for both overseeing the management of and ensuring decisions made do not exceed any delegated or assigned budget on service areas/functions within the scope of the Committee, and as agreed within the CCG Financial Plan. Where there is need to make a decision on a service/function which would result in an unplanned cost pressure or which is outside of the agreed within the CCGs Financial Plan, the Committee will need to seek the authority of the Governing Body.

Decisions undertaken by the Committee will support the strategic aims and objectives of the CCG, Cheshire East Place and the Cheshire and Merseyside Health and Care Partnership. Decisions made will contribute to the sustainability and transformation of the local health and social care systems at Place. In undertaking decisions, all Committee members will be making decisions on behalf of NHS Cheshire CCG and for the benefit of the population of Cheshire East and in line with the statutory duties and responsibilities of the CCG. This undertaking and consideration applies to those Committee members who are drawn from other organisations outside of the CCG.

The decisions of the Committee shall be binding on the CCG.

The Committee will ensure that patient/public involvement is considered and undertaken when appropriate to aid decision making.

Decisions made by the Committee will be published by the CCG on its website.

Accountability

The Committee is accountable to the CCG Governing Body.

The decision-making scope of the Committee is outlined within its Terms of Reference and replicated within the NHS Cheshire CCG Constitution and specifically the Scheme of Reservation and Delegation.

Any changes to the Terms of Reference of the Committee will need to be approved by the CCG Governing Body.

Meetings

The Committee will operate in accordance with the CCG's Standing Orders.

The Committee shall be convened monthly or as required in order to undertake its business and make decisions regarding the work plan in a timely manner. Meetings of the Committee will be held in public unless it is considered that it is not in the public's interest to permit members of the public to attend a meeting or part of a meeting.

Agendas, papers and minutes of its meetings will be published on the website of the CCG.

The Secretary to the Committee will be responsible for giving notice of meetings. This will be accompanied by an agenda and supporting papers and sent to each Committee member (or deputy) no later than seven 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.

Members of the public and press will be able to attend all meetings held in public with the exception of in those circumstances it is deemed necessary to prevent disruption or where publicity on a matter would be prejudicial to the public interest. On the rare occasion where press or public are excluded, members of the Committee, and those in attendance will be required not to disclose confidential contents of papers or minutes, or content of any discussion at the meeting on these topics outside the CCG without the express permission of the Committee.

Use of video, telephone or other communication facilities to conduct meetings are permissible with prior agreement of the Chair of the meeting. The chair of the meeting will take into account the difficulties that might be posed to ensure proper access by attendees to the meeting should it, on occasion, be necessary to hold remote meetings and will make adjustments where possible

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

Members of the Committee, including the non-voting attendees, shall respect confidentiality requirements as set out in the CCG's Constitution.

Reporting arrangements

The Committee will be responsible for providing an annual report to the Governing Body outlining the decisions undertaken by the Committee within the financial year.

This will form part of an Annual Report to the Governing Body on all decisions undertaken by its sub-committees, and will inform the production of the CCGs Annual Report and Accounts.

The Committee will bring to the attention of the Governing Body, CCG Primary (GP) Care Commissioning Committee or the Joint Committee of the Cheshire and Merseyside CCGs in a separate report, any items of specific concern which require the approval of the Governing BodyCC, G Primary (GP) Care Commissioning Committee or the Joint Committee of the Cheshire and Merseyside CCGs.

The Committee will provide exception reports to the Governing Body or CCG Primary (GP) Care Commissioning Committee highlighting any key developments / achievements or potential risks / issues.

Administrative Support

The CCG will provide appropriate resource to ensure meetings are fully supported and business is conducted efficiently and effectively. This will include managerial support as well as administrative support.

The Committee will operate in accordance with the CCG's corporate standards "manual".

This will include the following:

- minutes of Committee meetings will be taken to ensure an appropriate record of discussions / decisions.
- risks and issues will be captured and escalated as appropriate.
- action lists and forward planners will also be maintained to ensure the Committee operates efficiently and effectively.

Review of Performance

These Terms of Reference were approved on:

- 16 September 2021 by the CCG Governing Body.

A review log of all iterations of the Committees Terms of Reference is held within the CCG Corporate Governance Handbook, available at www.cheshireccg.nhs.uk.