

**GOVERNING BODY MEETING**  
**Wednesday 25 September 2013**

**Agenda Item 2.4**

<b>Name of Paper / Report</b>		<b>Revisions to the NHS Eastern Cheshire CCG Constitution</b>		
<b>Lead Author</b>		<b>Mike Purdie</b> Corporate Programmes & Governance Manager		
<b>Contributors</b>				
<b>Governing Body Sponsor</b>		<b>Jerry Hawker</b>		
Supporting healthy lifestyles and reducing health inequalities	Reducing premature mortality	Focussing on local needs	Managing our resources	Corporate development  <input checked="" type="checkbox"/>
<b>Purpose of Paper / Report</b>		For ratification <input checked="" type="checkbox"/>		
<b>Exec Summary</b>		<p>A number of changes have been made to the NHS Eastern Cheshire Clinical Commissioning Group (CCG) Constitution, which are outlined in the paper attached.</p> <p>The most significant changes are to the Terms of Reference of the Governance and Audit Committee. These were ratified by that committee on 27/03/2013.</p> <p>These changes now require ratification by both the Governing Body of the CCG and NHS England so as to be adopted formally.</p> <p>There is a submission deadline to NHS England of 1<sup>st</sup> November 2013. The next opportunity for submissions is June 2014.</p>		
<b>Recommendations</b>		<p><b>The Governing Body is requested to:</b></p> <ul style="list-style-type: none"> <li>• Ratify the changes to the Constitution</li> </ul>		
<b>Next steps</b>		If ratified the updated constitution will be submitted formally to NHS England for approval.		

## Changes to the NHS Eastern Cheshire CCG Constitution

### 1. Amendments to the Constitution

- 1.1 Amendments to the constitution relate to those included in Version 1.2 of the Constitution
- 1.2 The Terms of Reference changes for NHS Eastern Cheshire Clinical Commissioning Group Governance and Audit Committee were ratified by this committee on 27/03/2013.
- 1.3 Deletions are formatted as follows: ~~deletion~~
- 1.4 Insertions are formatted as follows: Insertion

Ref.	Change
All	Replaced <del>Director of Finance and Governance</del> with <u>Chief Finance Officer</u>
All	Inserted new logo + updated page numbers
All	Replaced the <del>NHS Commissioning Board</del> with <u>NHS England</u>
5.4	Page 120 <del>Statement of Internal Control</del> changed to <u>Annual Governance Statement</u> (as advised at GAC 30/1/13)
9.7	Page 48 <u>The group recognises and confirms that nothing in or referred to in this constitution (including in relation to the issue of any press release or other public statement or disclosure) will prevent or inhibit the making of any protected disclosure (as defined in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998) by any member of the group, any member of its governing body, any member of any of its committees or sub-committees or the committees or sub-committees of its governing body, or any employee of the group or any of its members, nor will it affect the rights of any worker (as defined in that Act) under that Act.</u>
<b>Appendix G : Governance &amp; Audit Committee Terms of Reference:</b>	
1.4	The committee will operate under the <del>general</del> direction of the Chair <del>and Director of Finance &amp; Governance with the assistance of the Chief Finance Officer</del> and will report to the NHS Eastern Cheshire Clinical Commissioning Group Governing Body.  (Note the notation 1.3 was repeated so this item has been changed to 1.4)
2.1	<b>Remit and Responsibilities.</b> The duties of the Governance and Audit Committee will be driven by the priorities identified by the NHS Eastern Cheshire Clinical Commissioning Group <u>Governing Body. The Governing Body may call upon the Committee to undertake investigations on its behalf relating to governance and audit issues.</u>
2.3	<u><b>External Audit.</b> The Committee shall review the work and findings of the external auditors and consider the implications and management</u>

	<p><u>responses to their work. This will be achieved by:</u></p> <ul style="list-style-type: none"> <li><u>• Consideration of the appointment and performance of the external auditors, as far as the rules governing the appointment permit.</u></li> <li><u>• Discussion and agreement with the external auditors, before the audit commences, of the nature and scope of the audit as set out in the annual plan and ensuring coordination as appropriate, with other external auditors in the local health economy.</u></li> <li><u>• Discussion with the external auditors of their local evaluation of audit risks and assessment of the CCG and associated impact on the audit fee.</u></li> <li><u>• Review of all external audit reports, including the report to those charged with governance, agreement of the annual audit letter before submission to the Governing Body and any work undertaken outside of the annual audit plan, together with the appropriateness of management responses</u></li> </ul>																														
2.8	<p><u>The committee shall provide assurance that the systems and processes for preparing internal financial statements to the Governing Body, including those of budgetary control are robust and follow appropriate legislation.</u></p> <p><u>The audit committee shall review the external financial statements and annual report before submission to the Governing Body and the clinical commissioning group, focusing particularly on:</u></p>																														
2.9	<p><u>Quality, Innovation, Productivity and Prevention (QIPP). The committee will provide assurance to the Governing Body that an appropriate governance structure is in place to deliver the QIPP initiatives.</u></p>																														
2.10	<p><b><u>Third Party Responsibilities.</u></b> <u>The committee will provide assurance that processes are in place with the Clinical Commissioning Group to monitor third parties compliance against both local and national determined measures.</u></p>																														
3.2	<p>The membership has been re categorised and now includes a clinical representative.</p> <table border="1"> <thead> <tr> <th><b><u>Members</u></b></th> <th><b><u>Voting Right</u></b></th> </tr> </thead> <tbody> <tr> <td><u>Lay Member (Governance &amp; Audit) – Chair</u></td> <td><u>Yes</u></td> </tr> <tr> <td><u>Lay Member</u></td> <td><u>Yes</u></td> </tr> <tr> <td><u>Lay Member</u></td> <td><u>Yes</u></td> </tr> <tr> <td><u>General Practice Representative</u></td> <td><u>Yes</u></td> </tr> <tr> <td><u>Clinical Representative</u></td> <td><u>Yes</u></td> </tr> <tr> <td><b><u>Regular Attendees</u></b></td> <td></td> </tr> <tr> <td><u>Chief Finance Officer</u></td> <td><u>No</u></td> </tr> <tr> <td><u>Corporate Programmes and Governance Manager</u></td> <td><u>No</u></td> </tr> <tr> <td><u>Internal Professional Audit Representative</u></td> <td><u>No</u></td> </tr> <tr> <td><u>External Professional Audit Representative</u></td> <td><u>No</u></td> </tr> <tr> <td><u>Professional External Counter Fraud Representative</u></td> <td><u>No</u></td> </tr> <tr> <td><u>Committee Administrator</u></td> <td><u>No</u></td> </tr> <tr> <td><b><u>Attendees By Invitation</u></b></td> <td></td> </tr> <tr> <td><u>Information Governance Representative</u></td> <td><u>No</u></td> </tr> </tbody> </table>	<b><u>Members</u></b>	<b><u>Voting Right</u></b>	<u>Lay Member (Governance &amp; Audit) – Chair</u>	<u>Yes</u>	<u>Lay Member</u>	<u>Yes</u>	<u>Lay Member</u>	<u>Yes</u>	<u>General Practice Representative</u>	<u>Yes</u>	<u>Clinical Representative</u>	<u>Yes</u>	<b><u>Regular Attendees</u></b>		<u>Chief Finance Officer</u>	<u>No</u>	<u>Corporate Programmes and Governance Manager</u>	<u>No</u>	<u>Internal Professional Audit Representative</u>	<u>No</u>	<u>External Professional Audit Representative</u>	<u>No</u>	<u>Professional External Counter Fraud Representative</u>	<u>No</u>	<u>Committee Administrator</u>	<u>No</u>	<b><u>Attendees By Invitation</u></b>		<u>Information Governance Representative</u>	<u>No</u>
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	<u>Safeguarding (Children &amp; Adults) Representative(s)</u>	<u>No</u>	
	<u>Corporate Team Representative(s)</u>	<u>No</u>	
	<u>Business Management Team Representative(s)</u>	<u>No</u>	
	<u>Clinical Leadership Team Representative(s)</u>	<u>No</u>	
	<u>Commissioning Support Service Representative(s)</u>	<u>No</u>	
	<u>Chief Officer (Accountable Officer)</u>	<u>No</u>	
	<u>Leadership Team Representative(s)</u>	<u>No</u>	
	<u>Members of the Governing Body</u>	<u>No</u>	

## 2. Recommendation

The Governing Body is requested to:

- Ratify the changes to the Constitution

<b>Author Name and Job Title</b>	Michael Purdie Corporate Programmes & Governance Manager
<b>Date</b>	5 <sup>th</sup> September 2013
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