

GOVERNING BODY MEETING in Public

23 May 2018

Agenda Item 3.4

Report Title	NHS Eastern Cheshire CCG Constitution Update
---------------------	-----------------------------------------------------

Report Author	Contributors
Matthew Cunningham Head of Corporate Services	
Date report submitted	

Purpose of report
To seek the approval of the Governing Body for the proposed amendments contained within the CCG Constitution.

Reason for consideration by Governing Body
Amendments to the TOR of the Governing Body sub-committees and Committees of the CCG must be approved by the Governing Body. The Governing Body can also consider other amendments to the CCGs Constitution before final submission to NHS England.

Outcome Required:	Approve	<input checked="" type="checkbox"/>	Ratify	<input type="checkbox"/>	Decide	<input type="checkbox"/>	Endorse	<input type="checkbox"/>	For information	<input type="checkbox"/>
--------------------------	---------	-------------------------------------	--------	--------------------------	--------	--------------------------	---------	--------------------------	-----------------	--------------------------

Recommendation
<p>The Governing Body is asked to:</p> <ul style="list-style-type: none"> • approve the proposed amendments to the CCG Constitution • subject to Governing Body approval, note that the CCG will seek final approval of the amendments at the 01 June 2018 GP membership Locality meeting.

Benefits / value to our population / communities
n/a

Key Implications of this report – please indicate <input checked="" type="checkbox"/>			
Strategic	<input checked="" type="checkbox"/>	Consultation & Engagement	<input type="checkbox"/>
Financial	<input type="checkbox"/>	Resources (other than finance)	<input type="checkbox"/>
Procurement	<input type="checkbox"/>	Decommissioning	<input type="checkbox"/>
Equality	<input checked="" type="checkbox"/>	Quality & Patient Experience	<input checked="" type="checkbox"/>
Safeguarding	<input type="checkbox"/>	Governance & Assurance	<input type="checkbox"/>
Legal / Regulatory	<input checked="" type="checkbox"/>	Staff / Workforce	<input type="checkbox"/>

Governing Body Assurance Framework Risk Mitigation:
n/a

Conflicts of Interest Consideration

n/a

Committee Risk Register Mitigation:

n/a

Report history	This is the first CCG Constitution variation report received by the Governing Body in 2018.
-----------------------	---------------------------------------------------------------------------------------------

Report/Paper Reviewed by (Committee/Team/Director)

Head of Corporate Services

NHS Eastern Cheshire CCG Constitution Update

1. Executive Summary

- 1.1 This paper informs the Governing Body of the proposed amendments to the NHS Eastern Cheshire Clinical Commissioning Group (CCG) Constitution – which if approved will form **version 1.7** of the CCG Constitution.
- 1.2 [Appendix A - CCG Constitution v1.7 Amendments Log](#) outlines the proposed changes that have been made to version 1.7 of the CCG Constitution. Version 1.7 of the full Constitution can be found online on the [CCG website](#).¹
- 1.3 Amendments to the Constitution cover the following key areas:
- amendments to the Terms of Reference (TOR) for the following Governing Body Sub-Committees and CCG Committee:
 - Governance and Audit Committee
 - Remuneration Committee
 - Clinical Quality and Performance Committee
 - Primary (General Medical) Care Commissioning Committee
 - minor typographical and grammatical amendments.
 - updated content to reflect latest CCG literature and dates
 - improved content in relation to CCG duties on engagement and participation
 - inclusion of section hyperlinks within document to aid easier navigation.
- 1.4 Subject to the approval of the proposed amendments to the Constitution by the Governing Body, the CCG will be required to seek the final approval of the amendments by the CCGs GP membership. This will be done at the CCG GP membership locality meeting on 01 June 2018.
- 1.5 Subject to approval by the CCGs GP membership, the CCG must submit an application to NHS England to amend the Constitution.² Once approved by NHS England the CCG Constitution v1.7 will be published on the CCG website.

2. Recommendation:

- 2.1 The Governing Body is asked to:
- **approve** the proposed amendments to the CCG Constitution
 - subject to Governing Body approval, **note** that the CCG will seek final approval of the amendments at the 01 June 2018 GP membership Locality meeting.

3. Reason for recommendation(s):

- 3.1 Amendments to the TOR of the Governing Body sub-committees and Committees of the CCG must be approved by the Governing Body. A CCGs Constitution is required to contain the TOR of its Sub-Committees and Committees which have decision making

¹ <http://www.easterncheshireccg.nhs.uk/Downloads/Governing-Body/Meetings/2018-05-23/NHS%20ECCCCG%20Constitution%20Master%20Copy%20v1.7%20May%202018%20draft%20track%20changes.pdf>
² <https://www.england.nhs.uk/wp-content/uploads/2016/11/guidance-constitution-mergers-dissolution-nov16.pdf>

authority and that these TOR must be publicly available on a CCGs website. Under the CCGs Scheme of Delegation and Reservation³ amendments (or variations) to the CCGs Constitution must be approved by the CCGs GP membership ahead of submitting a variation request to NHS England.

4. Peer Group Area / Town Area Affected

4.1 All peer groups and town areas.

5. Population affected

5.1 All residents and patients registered with a General Practice within Eastern Cheshire.

6. Context

6.1 Applications to NHS England to vary a CCGs Constitution can only be made by the Governing Body if the CCGs GP membership approves the variation. A minimum of 60% of the member practices need to have endorsed the variation to enable the CCG to submit the application to NHS England. Within the application to NHS England to vary the CCG Constitution, alongside the latest version of the Constitution the CCG must also provide evidence that the GP Membership have approved the amendments and supported the intent to submit the application, as well as an impact assessment.

6.2 Whilst CCGs can apply to NHS England at any point throughout the year, it should be noted that it can take up to 8 weeks for NHS England to approve the amended Constitution. A CCGs constitution has effect only once it is approved by NHS England and published by the CCG, therefore until such time as the CCG receives the approval of NHS England for the amended Constitution; it is still operating – legally – under the existing NHS England approved version of the Constitution.

6.3 The CCG Governing Body sub-committees and CCG Committees have considered and approved their amended TOR at their meetings on the dates below:

- Governance and Audit Committee – 13 September 2017
- Remuneration Committee – 02 May 2018
- Clinical Quality and Performance – 09 May 2018
- Primary (General Medical) Care Commissioning Committee – 11 April 2018.

7. Finance

7.1 Not applicable in relation to this paper.

8. Quality and Patient Experience

8.1 Not applicable in relation to this paper.

9. Consultation and Engagement (Public/Patient/Carer/Clinical/Staff)

9.1 Governing Body members, GP practice representatives and staff have all been engaged with regarding the amendments outlined within this paper.

³ <https://www.easterncheshireccg.nhs.uk/Downloads/Publications/Constitution/Scheme%20of%20Delegation%20v1.3%20Final%20Nov%202017.pdf>

10. Health Inequalities

10.1 Not applicable in relation to this paper.

11. Equality

11.1 Not applicable in relation to this paper.

12. Legal

- 12.1 The proposed amendments outlined within this paper comply with and are in line with national guidance. Key documentation referenced to ensure compliance include:
- Towards establishment: Creating responsive and accountable clinical commissioning groups⁴
 - Health & Social Care Act (2012)⁵
 - The National Health Service (Clinical Commissioning Groups) Regulations 2012⁶
 - Managing Conflicts of Interest: Statutory guidance for Clinical Commissioning Groups.⁷
 - Model wording for amendments to Clinical Commissioning Groups' constitutions.⁸

13. Communication

13.1 Subject to receipt of the GP Memberships approval, the CCG Constitution will be submitted to NHS England for their approval. Upon receipt of the NHS England approval the CCG will be required to publish the updated Constitution (v1.7) on the CCG website. Governing Body members and member practices will be notified of this.

14. Access to further information

14.1 For further information relating to this report contact:

Name	Matthew Cunningham
Designation	Head of Corporate Services
Email	matthew.cunningham@nhs.net

15. Appendices

Appendices Table

Appendix A	CLICK HERE to view the CCG Constitution v1.7 Amendments Log
-------------------	-----------------------------------------------------------------------------

⁴ <https://www.england.nhs.uk/wp-content/uploads/2012/09/towards-establishment.pdf>

⁵ <http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted>

⁶ http://www.legislation.gov.uk/uksi/2012/1631/pdfs/uksi_20121631_en.pdf

⁷ <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>

⁸ <https://www.england.nhs.uk/commissioning/wp-content/uploads/sites/12/2014/11/annx-c-mod-wrd-amends.pdf>

Governance

CCG Operational Plan 2017 - 19 programme of work this report links to

System Transformation	
Effective Use of Resources	
Continuous Improvement	<input checked="" type="checkbox"/>

CCG 5 Year Strategic Plan programme of work this report links to

Caring Together		Quality Improvement	
Mental Health & Alcohol		Other	<input checked="" type="checkbox"/>

CCG 5 Year Strategic Plan ambitions addressed by this report

Increase the number of our citizens having a positive experience of care		Increase the proportion of older people living independently at home and who feel supported to manage their condition	
Reduce the inequalities in health and social care across Eastern Cheshire		Improve the health-related quality of life of our citizens with one or more long term conditions, including mental health conditions	
Ensure our citizens access care to the highest standard and are protected from avoidable harm		Secure additional years of life for the citizens of Eastern Cheshire with treatable mental and physical health conditions	
Ensure that all those living in Eastern Cheshire should be supported by new, better integrated community services			

CCG Values supported by this report – please indicate

Valuing People	<input checked="" type="checkbox"/>	Innovation	
Working Together	<input checked="" type="checkbox"/>	Quality	<input checked="" type="checkbox"/>
Investing Responsibly	<input checked="" type="checkbox"/>		

NHS Constitution Values supported by this report – please indicate

Working together for patients	<input checked="" type="checkbox"/>	Compassion	<input checked="" type="checkbox"/>
Respect and dignity	<input checked="" type="checkbox"/>	Improving lives	<input checked="" type="checkbox"/>
Commitment to quality of care	<input checked="" type="checkbox"/>	Everyone counts	<input checked="" type="checkbox"/>