

**NHS VALE OF YORK CLINICAL  
COMMISSIONING GROUP**

**GOVERNING BODY MEETING**



**Vale of York**

**Clinical Commissioning Group**

**Meeting Date: 6 June 2013**

**Report Sponsor:**

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Chief Operating Officer

**Report Author:**

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**1. Title of Paper: NHS Vale of York Clinical Commissioning Group (CCG)  
Constitution Update**

**2. Strategic Objectives supported by this paper**

1. Improve healthcare outcomes
2. Reduce health inequalities
3. Improve the quality and safety of commissioned services
4. Improve efficiency
5. Achieve financial balance

**3. Executive Summary**

NHS England issued recommended text to update Clinical Commissioning Group's Constitutions regarding their role as an employer on the 2 May 2013. This has presented an opportunity to make other locally identified updates to the constitution, including changes relating to Member practices and the Individual Funding Request Process. This paper outlines the proposed changes to NHS Vale of York CCG's constitution and the approval process. The paper also presents the procedure for the 'Use of the Common Seal' for approval.

**4. Evidence Base**

The proposed text for inclusion has been provided by NHS England in respect of the amendments to Section 9. The proposed text for inclusion within Appendix D has been provided by the North Yorkshire and Humber Commissioning Support Unit, in conjunction with legal services.



**5. Risks relating to proposals in this paper**

N/a

**6. Summary of any finance / resource implications**

N/a

**7. Any statutory / regulatory / legal / NHS Constitution implications**

This paper proposes changes to the NHS Vale of York CCG's constitution at sections:  
Section 3: Membership –updated to reflect the changes to Abbey Medical Group  
Address change of NHS Vale of York CCG headquarters (throughout)

Inclusions:

Section 9; Recommended text from NHS England

Appendix D: Addition to the Scheme of Reservation and Delegation to reflect the process for Individual Funding Requests.

Procedure:

Procedure for Use of Common Seal, aligned to Appendix C; Section 6.

**8. Equality Impact Assessment**

N/a

**9. Any related work with stakeholders or communications plan**

The proposed changes to the Constitution will be shared with all Member practices and the Local Medical Committee.

**10. Recommendations / Action Required**

The Governing Body is asked to

- Endorse the proposed changes to the NHS Vale of York CCG Constitution and submit the changes to the Council of Representatives.
- Approve the 'Use of the Corporate Seal Procedure' attached as Annex A.

**11. Assurance**

It is proposed that the Governing Body will be updated on the progress of ratification at the July meeting.



# NHS VALE OF YORK CLINICAL COMMISSIONING GROUP

Governing Body Meeting: 6 June 2013

## NHS Vale of York CCG Constitution Update

### 1. Background

- 1.1 The NHS Vale of York Clinical Commissioning Group's (CCG) Constitution was approved and became effective on 15 November 2012. The Constitution provides the rules and guidelines for decision making and organisational management. It is based upon the national recommendations for Clinical Commissioning Groups published by the NHS Commissioning Board (now reconstituted as NHS England).
- 1.2 The constitution can be varied in two circumstances:  
*a) where following discussion with Members and the LMC, the group applies to NHS England and that application is granted*  
*b) where in the circumstances set out in legislation NHS England varies the group's constitution other than on application to the group.*
- 1.3 NHS England issued recommended text to update Clinical Commissioning Group's Constitutions regarding their role as an employer on the 2 May 2013. This has presented an opportunity to make other locally identified updates to the constitution, including changes relating to Member practices and the Individual Funding Request Process.
- 1.4 In order to assist CCGs in making the recommended changes NHS England has extended the June window for constitutional revisions, from the 1 June to 28 June 2013

### 2. Summary of Recommended Constitutional Changes

#### 2.1 Part 3: Membership/ Appendix B –List of Member Practices

2.1.1 Section 3.1.1. *To delete 'Abbey Medical Group: 28 Millfield Ave, YO10 3AB' from the first line of the membership list.*

#### 2.1.2 Purpose for the change:

This is proposed due to the amalgamation of Abbey Medical Group into the Priory Medical Group and as such will not change of the geographical area or patient reach for the NHS Vale of York CCG.

#### 2.2 Part 9: The Group as Employer

2.2.1 To add a new section, 9.12, with the following NHS England recommended text:

*“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 of any of its members, nor will it affect the rights of any worker (as defined in that Act) under that Act.”*

2.2.2 Purpose for the change:

To reflect best practice as recommended by NHS England.

2.3 **Appendix D: Scheme of Reservation and Delegation**

2.3.1 Part 1: Schedule of matters reserved to the Clinical Commissioning Group and Scheme of Delegation: The addition of a ‘1.3’ with the following text

*“This Clinical Commissioning Group permits the specified persons, or a class of persons [nominated GPs on the Individual Funding Request Panel], to take decisions on its behalf as delegated clinical decision makers. Such persons not part of a CCG Member Practice, or an employee of the CCG will enter into an honorary contract with the CCG for this purpose”*

2.3.2 Purpose for the change

To incorporate the requirements for the Independent Funding Request arrangements, as agreed at the March 2013 Governing Body Meeting.

2.4 Throughout the document, to update the NHS Vale of York CCG address and contact details with the new Headquarters.

3. **Constitutional Approval Process**

3.1 Approvals for changes to the constitution, including the overall scheme of reservation and delegation of powers are reserved to the Membership. As such, it is proposed that the amendments are taken with the Governing Body’s endorsement, to the Council of Representatives for their consideration in June.

3.2 In accordance with the process for changes to the constitution, the amendments will be shared with the Local Medical Council (LMC) and, once locally approved, submitted to NHS England for ratification. It is anticipated that the NHS Vale of York CCG will submit for ratification during the 28 June 2013 window, however should the deadline window not be achievable, a second NHS England approval window is available of the 1 November 2013.

#### **4. Procedure for the Use of Common Seal**

- 4.1 The Constitution makes provision in Appendix C: Standing Orders (section 6) for the use of a seal for executing documents where necessary.
- 4.2 The procedure for the Use of the Common Seal has been developed for the NHS Vale of York CCG in conjunction with legal services. It sets out the type of documentation where a Common Seal is required for authorisation and the individuals with responsibility for authenticating documents. The Procedure is attached at Annex A.

#### **5. Recommendations**

The Governing Body is asked to:

- 5.1 Endorse the proposed changes to the NHS Vale of York CCG Constitution and submit the changes to the Council of Representatives.
- 5.2 Approve the 'Use of the Corporate Seal Procedure' attached as Annex A.

## ANNEX A: PROCEDURE FOR USE OF COMMON SEAL

### 1.1 Introduction

- 1.1.1 Section 6 of the CCG's Standing Orders (Appendix C of the Constitution) sets out the general principles around the use of the Group's Common Seal.
- 1.1.2. The following individuals are authorised to authenticate the use of the Common Seal by their signature, or that of their named deputy:

The Chief Clinical Officer	<u>Deputy</u> Chief Operating Officer
The Chair of the Governing Body	Chair of the Audit Committee
The Chief Finance Officer	Deputy Chief Finance Officer
The Chief Operating Officer	Innovation Lead

- 1.1.3 The application of the Common Seal has to be attested by one of the above plus one other member of the Governing Body.

### 1.2 Use of Seal – General Guide

The Common Seal **must** be used for all the following documents:

- All contracts for the purchase/lease of land and/or building.
- All contracts for capital works exceeding £100,000.
- All lease agreements where the annual lease charge exceeds £10,000 per annum and the period of the lease exceeds beyond five years.
- Any other lease agreement where the total payable under the lease exceeds £100,000.
- Any contract or agreement with organisations other than NHS or other government bodies including local authorities where the annual costs exceed or are expected to exceed £500,000

### 1.3 Approval for Use of the Seal

- 1.3.1 The appropriate lead Senior Officer is responsible for ensuring that approval is sought from the Governing Body **before** the Seal is used. The report to the Governing Body should specify:
- The financial implications of the issue.
  - Whether legal advice has been sought.
  - That Standing Orders and Prime Financial Policies have been complied with.

- 1.3.2 Once approval has been granted by the Governing Body, the Senior Officer should inform the Head of Governance and provide details of the document, for inclusion in the register.

#### **1.4 Urgent Use**

- 1.4.1 If the Common Seal is required to be used urgently and prior approval from the Governing Body is not possible, the Senior Officer responsible must provide a full briefing to whoever is authorised to sign the document, prior to presentation of the document for signature and sealing.
- 1.4.2 Failure to provide a full briefing could result in signing and sealing being delayed.

#### **1.5 Custody of Seal**

The secure custody of the Common Seal is the responsibility of the Chief Clinical Officer who will be supported in this by the Head of Governance. The Common Seal will be kept in a locked facility at the Vale of York Clinical Commissioning Group headquarters and can be accessed by contacting the Head of Governance.

#### **1.6 Register of Sealing**

The Chief Clinical Officer is responsible for ensuring a register is maintained of every document sealing and will be supported in this by the Head of Governance. The register will be kept with the Common Seal in the locked facility.

#### **1.7 Sealing and Signature of Documents and Completion of Register**

- 1.7.1 The relevant lead Senior Officer should liaise with the Head of Governance to access the seal and register.
- 1.7.2 The relevant Senior Officer should make the necessary arrangements for the sealing and signing to take place.
- 1.7.3 The Common Seal must be affixed in the presence of the two authorised signatories and the document witnessed by them. **(Preferably this should not include the Senior Officer who sought approval for its use or who is leading on the issue).**
- 1.7.4 The register must be completed, signed and dated by the authorised individuals, **at the time of sealing.**
- 1.7.5 Where any document will be a necessary step in legal proceedings on behalf of the CCG, it must be signed by the Accountable Officer.

## 1.8 Execution of a Document by Signature

1.8.1 The following individuals or their named deputies are authorised to execute a document on behalf of the Group by their signature:

	<u>Deputy</u>
The Chief Clinical Officer	Chief Operating Officer
The Chair of the Governing Body	Chair of the Audit Committee
The Chief Finance Officer	Deputy Chief Finance Officer
The Chief Operating Officer	Innovation Lead

1.8.2 Alternatively this could be by other individuals to whom that ability has been delegated in writing by the Chief Clinical Officer.