

**Item Number: 11**

**Name of Presenter: Rachel Potts**

**Meeting of the Governing Body**

**4 December 2014**



**Vale of York**

**Clinical Commissioning Group**

**NHS Vale of York CCG Review and Refresh of the Constitution**

**Purpose of Report  
For Information**

**1. Rationale**

The CCG's Constitution is one of the pillars of governance within the organisation. The Constitution describes the organisational arrangements in place for the CCG to discharge its statutory duties and functions, covering relationships between the Council of Representatives and the Governing Body and core management processes for:

- electing and appointing members;
- conduct of business;
- accountabilities and decision making; and
- managing conflicts of interest.

Review of the constitution is a routine function to ensure that the CCG's governance arrangements evolve with the organisation and remain fit for purpose. This review and refresh process enables the organisation to act effectively and be seen to act effectively.

This paper is to seek the views of the Governing Body regarding the proposed amendments to the CCG Constitution.

NHS England (NHSE) has advised that deadlines for proposed changes to CCG Constitutions must be received bi-annually 1 June and 1 November. Exceptionally the deadline for November 2014 has been extended to 6 January 2015.

There is also a further extension for submitting changes to the Constitution pertaining to arrangements for the co-commissioning primary care services. This deadline is 30 January 2015.

**2. Strategic Initiative** *(double click and select 'checked' for all relevant initiatives)*

- |  |   |
|--|---|
| <input type="checkbox"/> Integration of care | <input type="checkbox"/> Planned care                                 |
| <input type="checkbox"/> Person centred care | <input type="checkbox"/> Transforming MH and LD services              |
| <input type="checkbox"/> Primary care reform | <input type="checkbox"/> Children and maternity                       |
| <input type="checkbox"/> Urgent care reform  | <input type="checkbox"/> Cancer, palliative care and end of life care |
|  | <input type="checkbox"/> System resilience                            |

**3. Actions / Recommendations**

Note the Constitution consultation process, proposed changes to Constitution and to record that there may be further proposals for change pending the outcome of the consultation process.

#### **4. Engagement with groups or committees**

Publication of proposed changes to the constitution on the CCG website and comments invited from patients and public;  
Presentation to Senior Management Team (11 November 2014);  
Circulation to the Local Medical Council;  
Circulation to Chair of Audit Committee; and  
Presentation to Council of Representatives (20 November 2014)

#### **5. Significant issues for consideration**

Amendments to the Constitution fall under four main categories:

- Amendments to reflect changes in GP practice boundaries, (these may result in merged practices obtaining an increase in the number of votes held, see draft Constitution section 7.5);
- Amendments to divide the Constitution into two core sections as follows:
  - the Articles of Constitution which will require approval by NHS England; and
  - appendices to the Constitution which may be amended through consultation with stakeholders and approval by the Governing Body;
- Amendments to recognise that the CCG may wish to progress co-commissioning arrangements; and
- Some changes to wording to provide improve clarity of meaning and purpose and reflect changes in organisation title.

A draft list of proposed changes is detailed at Annex 1 and a copy of the revised draft document is published on the CCG website.

#### **6. Implementation**

Consultation with the Public ends 5 December 2014. Collation of all feedback and comments. Report to SMT and final circulation to stakeholders, submission of updated Constitution to NHSE 6 January 2015.  
Changes to Constitution regarding co-commissioning to be presented at Governing Body Workshop January 2015, submission to NHSE 30 January 2015, ratification of all changes at Governing Body February 2015.

#### **7. Monitoring**

Re-circulation to the Governing Body for approval of final list of proposed changes; and  
Presentation at the February meeting of the Governing Body for formal ratification of amendments.

#### **8. Responsible Chief Officer and Title**

Rachel Potts  
Chief Operating Officer

#### **9. Report Author and Title**

Pennie Furneaux  
Policy and Assurance Manager.

#### **10. Annexes**

Link to revised draft Constitution: <http://www.valeofyorkccg.nhs.uk/get-involved/the-proposed-revisions-to-the-ccgrs-constitution/>

## List of Proposed Amendments to CCG Constitution 10/11/14

<b>TYPE OF CHANGE</b>	<b>DESCRIPTION</b>	<b>Para Ref:</b>	<b>Page</b>
Format	Branding	Various	As ref
Update	Content of Foreword		4
Update	Division of document into two parts, Articles and Appendices		Various
Update	Replacement of all references to NHS Commissioning Board to NHS England	Various	As ref
Update	Constitution approval date		6
Insertion	Publication of constitution on CCG website		5
Update	Boundaries diagram		7
Update	List of member practices		8
Insertion	Reference to review of annual review of equality objectives	5.2b	14
Insertion	Reference to supporting delivery groups	5.2c	14
Insertion	“or Chief Nurse”	5.3l	18
Deletion	Composition of Governing Body- minimum members	6.9	23
Insertion	Definition of election to lay members appointment process.	6.9b	23
Insertion	Definition of election process for Governing Body General Practitioner members	6.9f	23
Insertion	Definition of appointment process for Secondary Care Specialist on Governing Body.	6.9h	23
Amendment	One Registered Nurse to Chief Nurse	6.9g	23
Insertion	Process for co-opting members to the Governing Body	6.9l	24
Insertion	Appointment of Advisors to the Governing Body	6.9m	24
Insertion	Audit Committee compliance with HFMA published guidance	6.10	24
Replacement	Council of Representatives	7.2 g	27
Insertion	Arrangements for selection of members of the Council of Representatives	7.4	29
Revision	CoR Frequency of meeting	7.4	29
Insertion	Requirement for Procurement Policy	9.2	38
Insertion	NHSE Template wording for Co-commissioning arrangements	12	43
Amendment	Requirement for clinical representation		47
Deletion	GP Forum		48
Revision	Corrections to list of GP practices		49

<b>TYPE OF CHANGE</b>	<b>DESCRIPTION</b>	<b>Para Ref:</b>	<b>Page</b>
Insertion	Requirement for Chief Finance Officer to abstain in the event of vote against matter of value for money and potential further action.		57
Insertion	Scheme of Publication and Transparency		109