

Annex 3

NHS Nene Clinical Commissioning Group

Terms of Reference

Primary Care Co-Commissioning Joint Committee

Membership	<ul style="list-style-type: none"> • Lay Member Primary Care (Chair) • Lay Member Patient and Public Involvement (Deputy Chair) • Lay Member Finance and Planning • GP Chair of NHS Nene CCG • Chief Nurse and Quality Officer • Clinical Executive Director • Director of Primary and Community Integration • Senior Contract Manager, NHS England • Joint Chief Finance Officer • Joint Accountable Officer
Quorum	<p>3 Members</p> <ul style="list-style-type: none"> • One Executive voting representative from the CCG • One voting representative from NHS England • One Lay Member
In Attendance	<ul style="list-style-type: none"> • HealthWatch Northamptonshire Representative • Health and Wellbeing Board Representative • Head of Primary Care, NHS England • GP Contracts Manager, NHS England • LMC Representative • Lead for Adult Social Care, Northamptonshire County Council • Deputy Director of Primary Care • Counter Fraud Specialist • Deputy Director of Quality Quality Improvement Manager • Programme Lead Primary Care Transformation and GP Forward View • Public Health representative • Patient and Public Involvement representative • GP Federation representatives • Primary Care Support Officer • <p>The Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions.</p>
Frequency of Meetings	<ul style="list-style-type: none"> • Bi-Monthly

Accountability and Reporting	<ul style="list-style-type: none"> • NHS England • NHS Nene CCG Governing Body • Highlight Report from the Chair of the Committee to be presented to Governing Body meetings • Approved minutes presented to Governing Body meetings
Date of Approval Committee	July 2019
Date of Ratification by Governing Body	July 2019
Effective Date	September 2019
Review Date	July 2020

1. Constitution

The National Health Service Act 2006 (as amended) (“NHS Act”) provides, at section 13Z, that NHS England’s functions may be exercised jointly with a CCG, and that functions exercised jointly in accordance with that section may be exercised by a joint committee of NHS England and the CCG. Section 13Z of the NHS Act further provides that arrangements made under that section may be on such terms and conditions as may be agreed between NHS England and the CCG which include:

- 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 improvement in quality of services (section 14R);
- Duty in relation to quality of primary medical services (section 14S);
- Duties as to reducing inequalities (section 14T);
- Duty to promote the involvement of each patient (section 14U)
- Duty as to patient choice (section 14V)
- Duty as to promoting integration (section 14Z1); and j) Public involvement and consultation (section 14Z2).

2. Purpose

NHS England and NHS Nene CCG joint commissioning committee (the Joint Committee) has the primary purpose of commissioning primary medical services for the people of Northamptonshire.

This includes the following activities:

- GMS, PMS and APMS contracts (including the design of PMS and APMS contracts, monitoring of contracts, taking contractual action such as issuing branch/remedial notices, and removing a contract);
- Development of newly designed enhanced services (“Local Enhanced Services” and “Directed Enhanced Services”);
- Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF);
- Decision making on whether to establish new GP practices in an area;
- Review all requests from Member Practices relating to any adjustments to practice lists;
- Decision making on approving of practice mergers, and for retirements and resignations to seek assurance in relation to services in the event of resignations or retirements; and in relation to plans for procurement, if any,
- Making decisions on ‘discretionary’ payment (e.g., returner/retainer schemes).

The role of the Joint Committee shall be to carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act except those relating to individual GP performance management, which have been reserved to NHS England.

In performing its role, the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and NHS Nene CCG which will sit alongside these terms of reference.

The Joint Committee will comprise NHS England Central Midlands Team and NHS Nene CCG. It will undertake the function of jointly commissioning primary medical services for Northamptonshire within Nene CCG.

3. Membership

The membership of the Joint Committee shall consist of:

- Lay Member Primary Care (Chair)
- Lay Member Patient and Public Involvement (Deputy Chair)
- Lay Member Finance and Planning
- GP Chair (NHS Nene CCG)
- Chief Nurse and Quality Officer
- Clinical Executive Director, NHS Nene CCG
- Executive Director of Primary and Community Integration
- Senior Contract Manager, NHS England
- Joint Chief Finance Officer
- Joint Accountable Officer

The membership will meet the requirements of NHS Nene CCG's Constitution.

The Chair/Vice Chair of the Joint Committee will be a Lay Member for NHS Nene CCG. It will be agreed that one lay member will chair the meeting. The Joint Committee acknowledges that the lay position of the chair should mean non-clinical rather than non-GP.

4. Quorum, Frequency of meetings and required frequency of attendance

The Joint Committee will be quorate if the following are in attendance and the provisions regarding lay and executive majority for conflicts of interest management are complied with:

- One Executive voting representative from the CCG
- One voting representative from NHS England
- One lay member

Where members of the committee are conflicted and it is not possible for the committee to be quorate then the Chair may co-opt any of the following individuals to become voting members:

- Health & Wellbeing Board representative
- Public Health representative
- HealthWatch representative
- A non-conflicted member of the Governing Body
- A representative from NHS England
- GP Representatives from non-Northamptonshire CCGs (retired GPs may act in this capacity)

Members of the Committee are required to attend a minimum of 80% of the meetings held and not be absent for two consecutive meetings without prior permission of the chair. Members of the Primary Care Co-commissioning Committee can nominate a deputy but not for more than two consecutive meetings without the prior permission of the Chair. An attendance list will be kept and circulated to the membership with the minutes.

Meetings of the Joint Committee will be held bi-monthly.

The Joint Committee will be held in public.

The Joint Committee may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time.

Members of the Joint Committee have a collective responsibility for the operation of the Joint Committee. 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 Joint Committee will respect confidentiality requirements as set out in the Standing Orders referred to above unless separate confidentiality requirements are set out for the Joint Committee in which event these will be observed.

5. In attendance

Attendees who will have a standing invitation to the Joint Committee are set out below:

- HealthWatch Representative
- Health and Wellbeing Board Representative
- Head of Primary Care, NHS England
- GP Contracts Manager, NHS England
- LMC Representative
- Lead for Adult Social Care, Northamptonshire County Council
- Deputy Director of Primary Care
- Counter Fraud Specialist
- Deputy Director of Quality Improvement Manager
- Programme Lead Primary Care Transformation and GP Forward View
- Public Health representative
- Patient and Public Involvement representative
- GP Federation representatives
- Primary Care Support Officer

The Joint Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions

6. Authority

The Joint Committee will adopt the Standing Orders of NHS Nene CCG, as set out in the CCG's Constitution, insofar as they relate to the:

- Notice of meetings;
- Handling of meetings;
- Agendas;
- Circulation of papers.

Each voting member of the Joint Committee shall have one vote. This is as per the final policy note for Joint Commissioning Arrangements issued in January 2018. The Joint Committee will reach decisions by a simple majority of members present, but with the Chair having a second and deciding vote, if necessary'

NHS England will have the casting vote for any functions within NHS England's statutory obligations.

NHS Nene CCG will hold the casting vote on any statutory functions that are within the scope of the Joint Committee's responsibilities.

The membership of the Joint Committee will be constituted so as to ensure that the majority is held by lay and executive members, with the Chair and Vice Chair being lay members. In addition to existing CCG lay members, members will be drawn from the CCG's executive members, except where these members may themselves have a conflict of interest (e.g. if they are GPs or have other conflicts of interest). Conflicted or Nene based GPs shall be excluded from voting rights with regard to procurement issues; financial awards; deliberations; and decisions without exception.

The Joint Committee will make decisions within the bounds of its remit.

The decisions of the Joint Committee will be binding on NHS England and NHS Nene CCG.

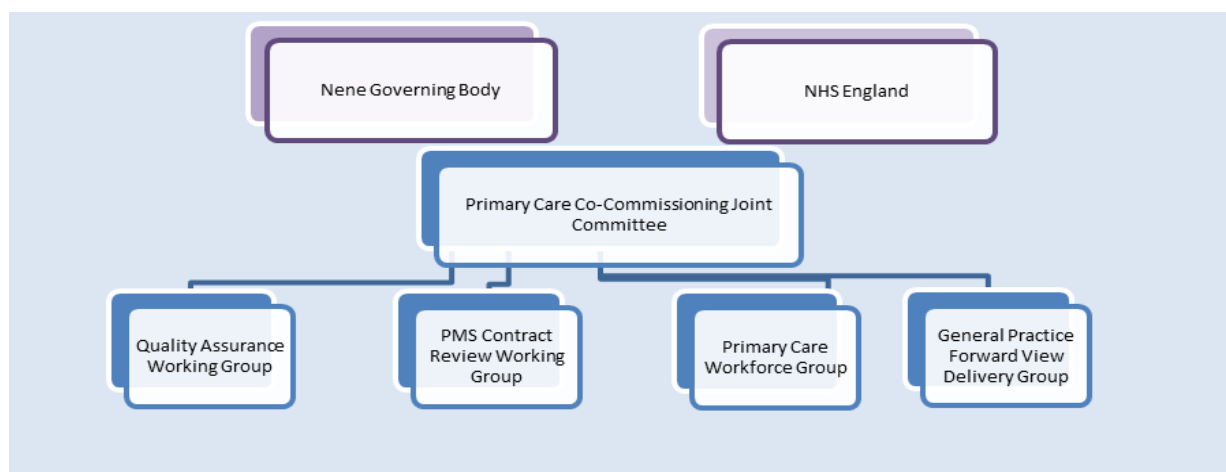
Decisions will be published by NHS England, and NHS Nene CCG.

Director of Primary Care Transformation & Locality Director will produce an executive summary report which will be presented to Central Midlands Team of NHS England and the Governing Body of NHS Nene CCG after each formal committee meeting for information.

The powers reserved to the committee may in emergency or for an exceptional urgent decision be exercised by the Chair of the Committee, with the prior agreement of:

- NHS England – obtained in writing from the Locality Director, Central Midlands Team or their deputy
- One other voting member
- The exercise of such powers by the Chair shall be reported to the next formal meeting of the Committee.

The exercise of such powers by the Chair shall be reported to the next formal meeting of the committee. Detailed below is the proposed structure of the committee from April 2016 and this will be reviewed in 12 months to ensure it meets the criteria of the joint co-commissioning agenda. All sub-groups and work streams will develop business cases, options appraisals, minutes and submit to the co-commissioning committee (detailing any conflicts and how they have been managed) for their review and decision-making.



7. Duties

The key responsibilities of the Joint Committee include:

- Ensuring that there is shared oversight of primary medical care services across the CCG and NHS England.
- To develop and maintain plans for general practice development, taking into account national guidance and local priorities.
- To agree a joint work plan for general practice development.
- To develop a transitional plan for the CCG to take on fully delegated responsibilities for General Practice. Ensuring that primary care is able to play a full role in delivering the Sustainable Transformation Plan for Northamptonshire, and to put in motion commissioning plans that will support integrated care closer to home agenda.
- To encourage innovative models of general practice which are fit for purpose, sustainable and will meet the needs of patients.
- To initiate and drive action to improve the primary and community services estate and premises, taking into account the strategic direction for services across the county.
- To agree and take action to support the development of the primary care workforce, particularly addressing issues of recruitment and retention.
- To agree financial plans which will support the sustainability of primary care and strengthen capacity and capability in primary care to deliver innovative models of care for the future.
- To agree governance arrangements to support formal co-commissioning of primary care from April 2016.
- To agree a joint process for the re-investment of the released PMS Premium.
- To agree the development of the sub-groups/work streams and hold them to account.
- To comply with NHS England's conflict of interest statutory guidance and oversee and assure the conflict of interest management of the working groups of the committee.

8. Reporting Arrangements

The Committee is accountable to and will report to the Governing Body on its proceedings after each meeting.

9. Compliance and Effectiveness

The Primary Care Co-Commissioning Joint Committee will support the Governing Body of NHS Nene CCG in discharging their responsibilities by providing objective assurance that processes are in place across both organisations to ensure that alignment of management functions.

10. Administration

The Primary Care Co-Commissioning Joint Committee shall be supported administratively by the Primary Care Support Officer whose duties in this respect will include:

- Review of the Terms of Reference
- Maintain agenda against cycle of business
- Agreement of the agenda with the Chair and attendees and collation of papers;
- Taking and issuing the minutes and preparing action lists in a timely way;
- Keeping a record of matters arising and issues
- Maintaining a risk and issues log
- Record attendance

The Primary Care Support Officer will:

- Circulate the minutes and action notes of the Joint Committee with 5 working days of the meeting to all members.
- Ensure that the minutes and action notes to Central Midlands Team of NHS England and Governing Body of NHS Nene CCG.

11. Requirement for review

These terms of reference will be formally reviewed by Central Midlands Team of NHS England and NHS Nene CCG annually, and may be amended by mutual agreement between Central Midlands Team of NHS England and NHS Nene CCG at any time to reflect changes in circumstances which may arise including national guidance.

12. FOI Reminder

The minutes (or sub-sections) of the Board, unless deemed exempt under the Freedom of Information Act 2000, shall be made available to the public, through the meeting.

13. Equality Act

Each decision made/approved by Primary Care Co-Commissioning Committee should align to the CCGs commitment to equality and inclusion. And by doing so, the Primary Care Co-Commissioning Committee must be satisfied that decisions made meet the requirements of equality law, including but not limited to the Equality Act 2010; s149 Public Sector Equality Duty (PSED).