

**NORTH EAST LINCOLNSHIRE CLINICAL COMMISSIONING GROUP**

**TERMS OF REFERENCE**

**PRIMARY CARE COMMISSIONING COMMITTEE**

# PURPOSE

In accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended), NHS England has delegated the exercise of the functions specified in schedule 2 to these terms of reference to NHS North East Lincolnshire CCG. The delegation is set out in Schedule 1.

NHS North East Lincolnshire CCG (the CCG) has established this primary care commissioning committee (the committee). The committee will function as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers.

It is a committee comprising representatives of the following organisations:

* NHS North East Lincolnshire CCG
* NHS England
* North East Lincolnshire Council

# 2. ACCOUNTABILITY

The committee is accountable to the governing body and subject to the CCG’s scheme of reservation and delegation.

For the avoidance of doubt, in the event of any conflict between the terms of this scheme of delegation and terms of reference and the standing orders or standing financial instructions of any of the members, the latter will prevail.

# 3. REPORTING

Once approved, minutes are shared with the Governing Body.

4. CONSTITUTION

The Committee, which is accountable to the governing body, has been

established under delegated authority from NHS England to carry out specified functions

relating to the commissioning of primary medical services Please see section 6.6.1 (c) p24

of NEL CCG Constitution.

# 5. COMMITTEE CHAIR AND DEPUTY CHAIR

The Chair of the Committee shall be the Chair of CCG governing body.

The Vice Chair of the Committee shall be lead on patient & public involvement.

# 6. MEMBERSHIP

The Committee shall consist of:

* Two Lay members from NEL CCG governing body Chair of Governing Body (Committee Chair)
  + Lead on patient & public involvement (Vice Chair)
* NELC member (or chair) of the Health and Wellbeing board
* NELC Director of Public Health who shall also be a Health and Wellbeing board representative
* GP chair of the Council of Members in NEL CCG
* GP vice chair of the Council of Members in NEL CCG
* NEL CCG Chief Finance Officer
* NELCCG Quality Team representative

This membership will meet the requirements of North East Lincolnshire CCG’s constitution.

Non-voting attendees shall include (but not be limited to) a standing invitation to a representative from NHS England and a Healthwatch representative. If no other members are a Local Authority representative from the local Health and Wellbeing Board, such a representative will be invited to attend in a non-voting capacity. The LMC shall be invited to attend all meetings but may be excluded from parts (or all) of the agenda at the discretion of the meeting Chair, whenever that is deemed to be in the interests of managing potential conflicts of interest. Other attendees shall be invited as determined by the Chair.

# 7. QUORACY

Quoracy shall be four voting members. GP votes must be in the minority to avoid conflicts of interest. In the absence of both the chair and vice chair, those present shall nominate a chair for the meeting; as the chair would hold a casting vote, the chair cannot be a GP.

Where a quorum cannot be convened from the membership of the meeting, owing to the arrangements for managing conflicts of interest or potential conflicts of interest, the Chair of the meeting shall consult with the Conflict of Interest Guardian or Chief Finance Officer on the action to be taken

# 8. DECISION MAKING/VOTING

The committee will operate in accordance with the CCG’s standing orders. The administrator to the Committee will be responsible for giving notice of meetings. This will be accompanied by an agenda and supporting papers and sent to each member representative no later than 7 days before the date of the meeting. When the chair of the committee deems it necessary in light of the urgent circumstances to call a meeting at short notice, the notice period shall be such as s/he shall specify.

Voting - Each member of the committee shall have one vote. The committee shall reach decisions by a simple majority of members present, but with the chair having a second and deciding vote, if necessary. However, the aim of the committee will be to achieve consensus decision-making wherever possible.

Each member will have an “approved deputy “who shall be eligible to vote in the absence of the member. Each Deputy must have completed a CCG declaration of interest

# 9. SUBGROUPS

There are no regular sub-committees of sub-groups of the Committee; however, these can be constituted as and when needed, in line with NHS England conflict of interest guidance. The GP Provider Development Group is not a formal sub-committee; its purpose is to provide an interface between the various commissioners of general practice and the individual practices. Ensuring that proposals for service/contract change including quality, consistency and general development are discussed and tested prior to formal decision and implementation.

# 10. ROLES AND RESPONSIBILITIES

The committee has been established in accordance with the above statutory provisions to enable the members to make collective decisions on the review, planning and procurement of primary medical care services in North East Lincolnshire, under delegated authority from 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 North East Lincolnshire CCG, which will sit alongside the delegation and terms of reference.

The functions of the committee are undertaken in the context of a desire to promote increased co-commissioning to increase quality, efficiency, productivity and value for money and to remove administrative barriers.

The role of the committee shall be to carry out the functions relating to the commissioning of primary medical care services under section 83 of the NHS Act.

This includes the following: -

* + - 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);
    - 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;
    - Approving practice mergers; and
    - Making decisions on ‘discretionary’ payment (e.g., returner/retainer schemes).

The CCG will also carry out the following activities (Examples below)

1. To plan, including needs assessment, primary medical care services in North East Lincolnshire;
2. To undertake reviews of primary medical care services in North East Lincolnshire;
3. To co-ordinate a common approach to the commissioning of primary care services generally;
4. To manage the budget for commissioning of primary medical care services in North East Lincolnshire

# 11. DECLARATIONS OF INTERESTS, CONFLICTS AND POTENTIAL CONFLICTS

All committee/subcommittee members must adhere to the CCG’s Constitution and Standards of Business Conduct / Conflicts of Interest policies, together with NHS England statutory guidance on managing conflicts of interest.

Where a member of the committee/subcommittee/group believes that he /she has a conflict of interest in relation to one or more agenda items, they must declare this at the beginning of the meeting wherever possible, and always in advance of the agenda item being discussed. It will be responsibility of the Chair to decide how to manage the conflict and the appropriate course of action.

To further strengthen scrutiny and transparency of CCG’s decision-making processes the CCG has an appointed Conflict of Interest Guardian. This role is undertaken by the CCG’s Integrated Governance and Audit Chair.

Any interests which are declared at a meeting must be included on the CCG’s Declaration of Interest Register. Where this is not already the case, the individual with the conflict must ensure that the item is added to their declaration as soon as is practicable following the meeting.

# 12. FREEDOM OF INFORMATION ACT 2000

The minutes and papers of this Committee are, in the main, classed as public documents, except where matters, usually due to draft work in progress, issues of confidentiality or commercial sensitivity, are specifically deemed to be unsuitable for publication.

# 13. MEETING PAPERS

Papers are requested to be available for distribution at least 1 week prior to the meeting

date and these are published on the CCG internet.

# 14. FREQUENCY AND NOTICE OF MEETINGS

The Committee shall meet not less than bi-monthly as a minimum and will take action where required in between meetings on a virtual meeting basis. Any such decisions will be recorded and taken to the following formal meeting for information.

Meetings of the Committee:

* + 1. To be held in public, subject to the application 23(b). Publication of meetings shall be via the NEL CCG internet.
    2. The 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 Committee shall have a collective responsibility for the operation of the 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.

The committee may delegate tasks to such individuals, sub-committees or individual members as it shall see fit, provided that any such delegations are consistent with the parties’ relevant governance arrangements, are recorded in a scheme of delegation, are governed by terms of reference as appropriate and reflect appropriate arrangements for the management of conflicts of interest

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

Members of the Committee shall respect confidentiality requirements as set out in the Standing Orders referred to above unless separate confidentiality requirements are set out for the committee in which event these shall be observed.

The committee will present its confirmed minutes to NHS England – Yorkshire and the Humber and the Governing Body of the CCG each month for information, including the minutes of any sub-committees to which responsibilities are delegated under paragraph 8.4 above

The CCG will also comply with any reporting requirements set out in its constitution

# 15. ADMINISTRATIVE SUPPORT

Secretariat support shall be provided by North East Lincolnshire CCG

The secretariat to the Joint Committee will: -

* + 1. Circulate to all members the draft minutes and summary of actions from the meetings within 14 working days.
    2. Individual members shall be responsible for ensuring the minutes are presented within their relevant organisations as appropriate.

# 16. REVIEW OF TERMS OF REFERENCE

These terms of reference will be reviewed on an annual basis by the Committee

Agreed by Primary Care Commissioning Committee – 3 November 2021

Approved by Governing Body – 11 November 2021

**Schedule 1 – Delegated Agreement**

