

Agenda Item 06

Report to: Governing Body

Date of Meeting: 28 March 2019

Subject: New Model Constitution

Presented by: Chief Finance Officer

STATUS OF THE REPORT (auto check relevant box)

- For Information
- For Discussion
- For Approval / Ratification
- Report Exempt from Public Disclosure No Yes

PURPOSE OF REPORT:

As noted at the last Governing Body NHS England has launched a new model constitution for CCGs which reflects the changes that have taken place since the introduction of the first CCG model constitution in 2012.

The new model has been significantly shortened with the intention that the new model will provide CCGs with greater flexibility whilst maintaining transparency and accountability. One of the key objectives throughout the review process was to ensure that the new version supported CCGs in developing integrated or collaborative working arrangements

They have removed the requirement to include a number of sections that had previously been incorporated in the model, particularly where the information would be duplicated elsewhere. This has only been done where NHS England understand that there is no legal requirement for CCGs to include this section in the constitution and CCGs are not obliged to remove these sections if they wish to retain them.

NHSE has not set a deadline for the adoption of the new model, the expectation is that all CCGs will adopt the new model in 2019/20.

Key changes:-

- Recognising the speed of change associated with integration, as well as the fact that that arrangements evolve over time. Model wording has been included for various joint and collaborative working arrangements with clear guidance on what these options are in the FAQs and supporting notes
- CCGs will be able to describe the detail of their committee structure **outside** of the constitution, meaning that this will not be subject to the formal NHS England constitution approvals process. Where this approach is adopted, a committee's handbook (or equivalent) must be maintained and published.

	<p>(Integrated Governance & Audit, Remuneration and the Primary Care Commissioning Committee, should be included in the appendices of the constitution and that they form part of the constitution and will require NHS England approval).</p> <ul style="list-style-type: none"> • Scheme of Reservation and Delegation is no longer part of the constitution, enabling updates to be made without NHS England approval being required • With the agreement of Member practices, CCGs can agree certain aspects of the Constitution that are not 'material' and which can be revised without Member practice approval being required, thus avoiding the current administratively burdensome processes for some minor wording updates. The national FAQs provide guidance on what might be determined a material change and so still require Member practices to agree. <p>(This must be agreed by the membership and included in the scheme of reservation and delegation).</p>
Recommendations:	<p>The Governing body are asked to approve the recommended proposals below:-</p> <ul style="list-style-type: none"> • North East Lincolnshire CCG during 2019-20 to replace the existing constitution with the new model constitution, this will reduce the amount of information in the constitution and therefore reduce the number of amendments required. • Recommend to the Member practices to delegate the internal approval of changes, that are not material, to the Governing Body
Sub Committee Process and Assurance:	None
Implications:	
Risk Assurance Framework Implications:	The CCG has established formal mechanisms and robust governance arrangements in place which supports the delivery of risk management. The Constitution underpins the CCG risk management arrangements.
Legal Implications:	The CCG Constitution is a legal document that CCGs are required to have as a statutory body. Although there is no legal requirement to amend the constitution, it would be best practice to review in light of new model constitution.
Equality Impact Assessment implications:	<p>An Equality Impact Analysis/Assessment is not required for this report <input checked="" type="checkbox"/></p> <p>An Equality Impact Analysis/Assessment has been completed and approved by the EIA Panel. As a result of performing the analysis/assessment there are no actions arising from the analysis/assessment <input type="checkbox"/></p> <p>An Equality Impact Analysis/Assessment has been completed and there are actions arising from the analysis/assessment and these are included in section ____ of the enclosed report <input type="checkbox"/></p>
Finance Implications:	There are no finance implications.
Quality Implications:	<p>This report details a positive impact on quality. <input type="checkbox"/></p> <p>The proposal put forwards, if agreed, would have a positive impact in terms of enabling providers to meet safe staffing targets. Retention and recruitment is forecast to be improved, which would have a positive impact on the safe delivery of local services.</p> <p>This report details a neutral impact on quality. <input checked="" type="checkbox"/></p>

	<p>The report will not make any impact on experience, safety or effectiveness.</p> <p>This report details a negative impact on quality.</p> <p><input type="checkbox"/></p> <p>The report details the need for budgets to be significantly reduced. It is clear that the report summarises that quality will be negatively impacted by this as decisions to remove services/provide a lower level of provision to solely meet the 'must do's' of provision in terms of meeting people's needs has to be made. It is forecast that service user experience will be negatively impacted by this position.</p>
Procurement Decisions/Implications (Care Contracting Committee):	There are no procurement implications
Engagement Implications:	North East Lincolnshire Clinical Commissioning Group constitution is published on the CCG website.
Conflicts of Interest	<p><i>Have all conflicts and potential conflicts of interest been appropriately declared and entered in registers which are publicly available?</i></p> <p><input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>No known conflicts of interest identified.</p> <p>Any interests which are declared at a meeting will be included on the CCG's Declaration of interest Register.</p>
Links to CCG's Strategic Objectives	<input checked="checked" type="checkbox"/> Sustainable services <input checked="checked" type="checkbox"/> Empowering people <input checked="checked" type="checkbox"/> Supporting communities <input checked="checked" type="checkbox"/> Delivering a fit for purpose organisation
NHS Constitution:	https://www.gov.uk/government/publications/the-nhs-constitution-for-england
Appendices / attachments	None