

Surrey Heartlands' CCGs

Constitution Position Update

1 Purpose of this “Constitution Position Update”

This document provides the Governing Bodies with an update on progress to amend the three Surrey Heartland’s CCGs Constitutions that enable the planned new collaborative commissioning arrangements.

This document does not provide a description of the detailed Constitution amendments. The proposed amendments can be found in the “Constitution Update Briefing” paper. A detailed log of changes is also available. These have been reviewed with key stakeholders - Membership Councils, governance/audit lay members, Clinical Chairs and LMC representatives.

2 Background for the Constitutions Update

The three Surrey Heartland CCGs have decided to collaborate with Surrey County Council on commissioning health & social care. The collaboration will also allow further devolvement of functions and powers that will enable an improved provision of health and care to Surrey Heartlands residents.

The key changes to the constitution are the establishment of a Joint Committee for commissioning and enabling the extensive use of “Committees in Common” for the CCG Governing Bodies and committees. The collaboration will require that the governance procedures for each of the CCGs are nearly identical to allow efficient decision making and minimum administrative support.

3 Progress to March 2018

Two Governing Body Workshops were held in September 2017 and January 2018 and these provided a steer on:

- How the CCGs would collaborate together;
- How the practical arrangements would be developed to enable collaboration.

January - February 2018 A set of draft amendments were prepared for each of the three CCG Constitutions. These included:

- Establishing a Joint Committee for Commissioning;
- Enabling the use of Governing Bodies “in Common”;
- Standardisation of governance procedures across the three CCGs
- Incorporating the Conflict of Interest Guidance July 2017.

February - March 2018 The draft amendments have been considered by each of the Governing Bodies, Membership Councils and the Executive at various meetings with updates added to the text.

4 State of Play 15th March 2018

The following documents have been prepared (Table 1):

Document	Description	NHSE Authorisation Required
Constitution with Track Changes	The original constitution has been updated with the new text to establish the JCC, "Committees in Common", Primary Care Commissioning Committee.	Yes
Standing Orders with tracked changes	This Constitution Appendix contains most of the governance procedures. These are based on a common template and the bespoke variations have been standardised. There are two outstanding clauses where agreement is required, see next table.	Yes
Constitution Change Log	All the changes to the Constitution are included in a "Change Log" with a short explanation for each change.	Yes
Constitution Change Application	The Accountable Officer must apply for authorisation of the Members approved amended Constitution and certify that it is compliant with the legislation.	Yes
Governing Body / Council of Members Paper (& minutes)	A paper setting out why the Constitution is being amended and asking the Members to approve the amended Constitution.	Yes

The following documents require some additional work (Table 2):

Document	Description	NHSE Authorisation Required
Prime Financial Policies	The original versions of these appendices have been retained. The PFP are based on a standard template but each CCG has added bespoke variations. It is intended that the variations will be standardised to allow more efficient financial management.	Yes
Scheme of Delegation	This appendix does not require authorisation by NHS England. The Governing Bodies have advised that the delegation should be standardised and that this should be achieved on a clause by clause basis	No

	rather than the simple adoption of one version by the other two CCGs.	
Standing Orders (Final confirmation)	There are two clauses in the Standing Orders where there are significant differences and where the GBs have indicated that there should be standardisation. Following additional consultation a new standardised set of words has been developed and required final conformation: <ul style="list-style-type: none"> • Special Resolutions • GB Quorum 	Yes

5 Next Steps

The following work is required to complete the Constitution update:

- Complete the work outlined in Table 2.
- Governing Bodies to recommend the approval of the Updated Constitutions to the Members.
- The Members to approve the updated Constitutions using a Special Resolution.
- NHS England to authorise the use of the updated Constitutions.
- Implement the new governance arrangements especially decision-making meetings (Some work can commence immediately on a shadow basis and this will include the Quality and Strategic Finance Committees with development of Terms of Reference underway.)
- Appoint the shared Governing Body members

6 Implementation

It has been possible with the support of NHS England to start implementing the new arrangements in advance of the formal authorisation of the updated Constitutions. This has included:

- Joint management arrangements
 - Joint Accountable Officer (JAO),
 - Chief Finance Officer (CFO) and
 - Single executive leadership team
- The establishment of a shadow Joint Committee for Commissioning

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