

## Governing Body meeting (held in public)

DATE: 30 July 2015

Title	Decision Log from other Fora
This paper is for <b>the standing agenda</b>	
Recommended action for the Governing Body	That the Governing Body:  <b>Note</b> decisions that have been made by the Governing Body in different fora or on behalf of the Governing Body.
Potential areas for Conflicts of interest	None.
Executive summary	<p>Sometimes decisions need to be made by the Governing Body in private session that “having regard to the confidential nature of the business to be transacted, which relates to financial and commercial issues upon which would be prejudicial to the public interest.” Section 1(2) of the Public Bodies (admission to Meeting) Act 1960</p> <p>NHS Bexley CCG endeavours to be as open and transparent as possible and therefore will report decisions that have been made in fora other than a public meeting at the most appropriate time.</p> <p>This report covers decisions made since the Governing Body (public) meeting held on 21 May 2015</p> <p><b>ANNUAL REMUNERATION OF THE GOVERNING BODY LAY MEMBER – PPI</b> The Governing Body <b>AGREED</b> that the annual remuneration of the Governing Body Lay Member – PPI, be increased in line with the current annual remuneration of the Secondary Care Dr and Nurse Member Governing Body posts, to reflect the increased responsibilities of the role, as laid out in the Executive summary.</p> <p><b>PHYSICAL DISABILITY PROCUREMENT</b> The Governing Body <b>APPROVED</b> (following receipt of legal advice) the procurement of the wheelchair service and the integrated equipment service with a view to a new integrated contract being in place for 1 April 2016.</p>



	<p><b>DRAFT CCG ANNUAL REPORT AND ACCOUNTS</b>  <b>AGREED</b> that the chief officer is authorised to make further non-material changes, prior to submission.</p> <p><b>CHAIRS ACTION NO. 1 – 15/16 DATED 22 MAY 2015</b>  Governing Body <b>Approved</b> the Better Care Fund: New Quarterly Reporting Template submission by the end of May which will be reported to the July Governing Body meeting. This will be the on-going process for future submissions.</p> <p><b>CHAIRS ACTION NO. 2 – 15/16 DATED 2 JULY 2015</b>  Governing Body <b>Approved</b> changes to the proposed establishment agreement for the Committee in Common for Strategic Decision Making.</p>	
How does this paper support the CCGs objectives	<b>Patients:</b>	Improve the health and wellbeing of people in Bexley in partnership with our key stakeholders.
	<b>People:</b>	Empower our staff to make NHS Bexley CCG the most successful CCG in (south) London.
	<b>Pounds:</b>	Delivering on all of our statutory duties and become an effective, efficient and economical organisation.
	<b>Process:</b>	Commission safe, sustainable and equitable services in line with the operating framework and which improves outcomes and patient experience.
What are the Organisational implications	Key risks	None.
	Equality	None.
	Financial	None.
	Data	None.
	Legal issues	None.
	NHS constitution	None.
Engagement	None.	
Audit trail	None.	
Comms plan	None.	
Author: Mary Stoneham Board Secretary	Clinical lead: Dr Howard Stoate CCG Chair	Executive sponsor: Simon Evans-Evans Director of Governance & Quality
Date	14 July 2015	

### Governing Body Decisions log (for decision made whilst meeting in Private or via Chair's action)

Date of Decision	Authorised Person	Reason the Decision was not taken at a public Meeting	Title	Decision	Governing Body Notified	Agenda item at Governing Body (public) Meeting
21.05.15	Governing Body Private Meeting	Timeliness of decision	Annual Remuneration of the Governing Body Member - PPI	<b>AGREED</b> that the annual remuneration of the Governing Body Lay Member – PPI, be increased in line with the current annual remuneration of the Secondary Care Dr and Nurse Member Governing Body posts, to reflect the increased responsibilities of the role, as laid out in the Executive summary.	30.07.15	30.07.15
21.05.15	Governing Body Private Meeting	Commercial in Confidence	Physical Disability Procurement	<b>APPROVED</b> (following receipt of legal advice) the procurement of the wheelchair service and the integrated equipment service with a view to a new integrated contract being in place for 1 April 2016.	30.07.15	30.07.15
21.05.15	Governing Body Private Meeting	Timeliness of decision	Draft CCG Annual Report and Accounts	<b>AGREED</b> that the chief officer is authorised to make further non-material changes, prior to	30.07.15	30.07.15

Date of Decision	Authorised Person	Reason the Decision was not taken at a public Meeting	Title	Decision	Governing Body Notified	Agenda item at Governing Body (public) Meeting
				submission.		
22.05.15	Governing Body Chairs Action 2015/16 No.1	Decision needed due to time constraints	Better Care Fund: New Quarterly Reporting Template submission	<b>APPROVED</b> the Better Care Fund: New Quarterly Reporting Template submission by the end of May which will be reported to the July Governing Body meeting. This will be the on-going process for future submissions.	30.07.15	30.07.15
2.07.15	Governing Body Chairs Action 2015/16 No.2	Decision needed due to time constraints	Committee in Common for Strategic Decision Making	The CCG Chair <b>APPROVED</b> the changes to the proposed establishment agreement for the Committee in Common for Strategic Decision Making as set out in paperwork.	30.07.15	30.07.15

## **GOVERNING BODY**

### **Chair's Action No.1**

## **GOVERNING BODY**

**Title: Better Care Fund: New Quarterly Reporting Template**

#### **Decision:**

Chairs Action is requested for approval by the Governing Body to agree the submission of the Better Care Fund (BCF) quarterly reports by end of May 2015 which will be presented to the Governing Body at the July Governing Body public meeting and to continue as an on-going process to be implemented on a quarterly basis.

Both the Governing Body and Health & Wellbeing Board have agreed to jointly process the Bexley quarterly submissions but unfortunately submission dates do not fit with either of organisations formal meeting dates.

#### **Documentation:**

Attached are emails from Sarah Valentine, Director of Commissioning, with documentation which explains that this is the first report that has been compiled and reflects where Bexley is in terms of contracts, systems and data – it is in the format for the HWB and contains the guidance (please see App 1 document attached).

Please note that the HWB covering paper approval has requested approval for Tom Brown and myself to make minor amendments should they arise as we go through the electronic approval process (without having to issue it out again for approval) with submissions report to the next formal meetings of the Governing Body and Health & Wellbeing Board.

#### **Decision made by:**

Dr Stoate, Dr Kanani, Keith Wood and Sarah Blow.

#### **After consultation with:**

Following emails and documentation (above) circulated by Sarah Valentine – Dr Stoate, Dr Kanani, Keith Wood and Sarah Blow.

**By authorisation of:  
(for decisions made on behalf of Chief Officer or Chair)**

**Reason for Chair's Action:**

Chair's Action required to enable the CCG and the London Borough of Bexley to submit the Better Care Fund: New Quarterly Reporting Template in line with statutory requirements

The Governing Body is asked to **APPROVE** the Better Care Fund: New Quarterly Reporting Template submission by the end of May which will be reported to the July Governing Body meeting. This will be the on-going process for future submissions.

**Communicated to:            Locality Chairs on 30 July 2015**

**Governing Body Public Meeting on 30 July 2015**

**Staff on 30 July 2015**

Email confirmation

\_\_\_\_\_ Date: 22 May 2015  
Dr Howard Stoate, NHS Bexley CCG Chair

Email confirmation

\_\_\_\_\_ Date: 22 May 2015  
NHS Bexley CCG Governing Body Member  
Sarah Blow – Chief Officer

Email confirmation

\_\_\_\_\_ Date: 22 May 2015  
Bexley CCG Governing Body Member  
Dr Nikita Kanani – Bexley CCG Clinical Vice Chair

Email Confirmation

\_\_\_\_\_ Date 22 May 2015  
Bexley CCG Governing Body Member  
Keith Wood – Lay Member Governance

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***As set out within Bexley Clinical Commissioning Group Constitution 3.2.21  
Emergency powers***

**3.2.21 Emergency powers and urgent decisions**

3.2.21.1 It is recognised that there will be times when urgent decisions are required. The Chair has the discretion to define urgent decisions.

3.2.21.2 In an emergency, where a decision must be made by the governing body before its next meeting, the powers and duties of the governing body may be exercised by the Chair (Emergency Action).

3.2.21.3 or this purpose “emergency” means circumstances in which:-

3.2.21.4 The governing body will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or urgent action must be taken to prevent loss, damage or significant disadvantage to the CCG.

3.2.21.5 To ensure transparency, any urgent decisions will be recorded and notified in the minutes of the next regular meeting of the CCG governing body, and a log maintained for inspection by the Audit and Integrated Assurance Committee

3.2.21.6 If decisions have an immediate impact on the wider CCG and constituent members, the locality chairs will be informed at the earliest convenience, so information can be shared with localities.

3.2.21.7 The Chair and/or the Accountable Officer have the authority to make an urgent decision without consultation with the localities or governing body.

3.2.21.7.1 Where possible, the Accountable Officer will always discuss decisions with the Chair, clinical vice-chair or Deputy Chair, and in their absence will notify a governing body GP lead.

3.2.21.7.2 If chair’s action is required, the chair will consult with at least two other governing body representatives before confirming the action.

3.2.21.8 The Emergency Action functions of the Chair and Accountable Officer may be exercised by such other persons as the Chair and Accountable Officer may respectively nominate in writing.



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Chair: Dr Howard Stoaite | Chief Officer: Sarah Blow

# Chair's Action

2015/16 No. 2

## Committee in Common for Strategic Decision Making

### Introduction

As set out in the CCG Standing Orders, NHS Bexley Clinical Commissioning Group Chair may, where decisions need to be made by the governing body in an emergency before its next meeting, exercise the powers and duties of the governing body (Emergency Action). The Chair where possible will consult with at least two other governing body members before confirming the action. The decision will be recorded and reported to the next governing body meeting for ratification

Lead Director: Simon Evans-Evans, Director of Governance and Quality

### Rationale for Chair's Action:

At its meeting on 21 May 2015 the Governing Body considered an item proposing the establishment of a Committee in Common for the Purpose of Strategic Decision Making.

### The governing body:

- Noted that work continues to develop *Our Healthier South East London* as reported elsewhere in the papers, and that regular reports will be presented at future meetings;
- Approved, after testing with the CCG's membership, the establishment agreement, including terms of reference for the proposed Committee in Common for Strategic Decision Making and the inclusion of the committee in the CCG's constitution;
- Agreed that the scheme of reservation and delegation of the CCG be amended to reflect powers delegated to the committee and members representing the CCG through the following addition;
  - Commissioning decisions in relation to matters falling within the remit of the South East London Committee in Common for Strategic Decision Making;
  - Delegated to the individual or individuals (each being a member or an employee of the CCG) who at that time are the CCG's representative members of the committee and attend a meeting at which a decision is to be taken and, in relation to a decision on which those representative members attending the meeting do not all agree, the decision shall be taken by the majority of the individuals representing the CCG and voting at the meeting.
- The governing body also agreed that chair's action would be taken if required to approve any final changes to the establishment agreement as a result of comments from this or other governing bodies.



In the course of the discussions by the governing bodies of the six CCGs in south east London, a number of minor changes have been proposed to clarify the wording of the establishment agreement and these are shown as a tracked changes in the version attached. They are:

- In section 2, to clarify within the voting arrangements, that for any decision to be binding it must be agreed by all CCGs;
- In section 4, to extend the reference to the public sector equality duty so that it applies to all the responsibilities of the committee and not only to consultation;
- In the same section, to clarify that the reference to duties in relation to the quality of healthcare provision relates to the responsibilities of the committee;
- In section 6, to clarify that nominated deputies are voting members of the committee in common.

NHS Bexley CCG Chair's action is requested to approve the changes to the proposed establishment agreement for the Committee in Common for Strategic Decision Making as set out above in order that a timely submission can be made to NHS England in respect of the associated changes to the CCG's constitution. This will then enable the committee to be established in order to fulfil its role in line with the forward plan for *Our Healthier South East London*.


Recommendation:

The CCG Chair to approve the changes to the proposed establishment agreement for the Committee in Common for Strategic Decision Making as set out above.

Further Action required:

This chair's action will be reported to the next meeting of the CCG Governing Body on 30 July 2015

Subject to the changes being agreed by all six chairs on behalf of their governing bodies, the associated changes to the CCG's constitution will be submitted to NHS England for approval. The committee in common will then be established.


  
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Dr Howard Stoate  
Chair

2/7/15

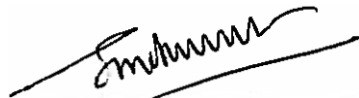
  
\_\_\_\_\_  
Sarah Blow  
Chief Officer

Date

2/7/15

  
Theresa Osborne  
Bexley CCG Governing Body Member

Date 2/7/15

  
Dr Sid Deshmukh  
Bexley CCG Governing Body Member

Date 02 July 2015

***As set out within Bexley Clinical Commissioning Group Constitution 3.2.21 Emergency powers***

**3.2.22 Emergency powers and urgent decisions**

3.2.21.1 It is recognised that there will be times when urgent decisions are required. The Chair has the discretion to define urgent decisions.

3.2.21.9 In an emergency, where a decision must be made by the governing body before its next meeting, the powers and duties of the governing body may be exercised by the Chair (Emergency Action).

3.2.21.10 or this purpose “emergency” means circumstances in which:-

3.2.21.11 The governing body will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or urgent action must be taken to prevent loss, damage or significant disadvantage to the CCG.

3.2.21.12 To ensure transparency, any urgent decisions will be recorded and notified in the minutes of the next regular meeting of the CCG governing body, and a log maintained for inspection by the Audit and Integrated Assurance Committee

3.2.21.13 If decisions have an immediate impact on the wider CCG and constituent members, the locality chairs will be informed at the earliest convenience, so information can be shared with localities.

3.2.21.14 The Chair and/or the Accountable Officer have the authority to make an urgent decision without consultation with the localities or governing body.

3.2.21.14.1 Where possible, the Accountable Officer will always discuss decisions with the Chair, clinical vice-chair or Deputy Chair, and in their absence will notify a governing body GP lead.

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3.2.21.15 The Emergency Action functions of the Chair and Accountable Officer may be exercised by such other persons as the Chair and Accountable Officer may respectively nominate in writing.



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