

## Bromley Borough Based Board

9 July 2020

<b>Title</b>	<b>BOROUGH BASED BOARD TERMS OF REFERENCE</b>	
This paper is for <b>approval</b>		
<b>Executive Summary</b>	<p>The South East London Clinical Commissioning Group's (CCG) Governing Body established the Borough Based Board, as one its Prime Committees. The Board has been given delegated responsibility, for the commissioning of local services within Bromley, as part of the overall commissioning plans of South East London CCG.</p> <p>The Board is now being offered the opportunity to review and approve its Terms of Reference (attached). Once agreed, they will be presented to the South East London CCG Governing Body for ratification.</p>	
<b>Recommended action for the Board</b>	The Borough Based Board, is asked to approve its Terms of Reference, for presentation and ratification by the South East London Governing Body.	
<b>Potential Conflicts of Interest</b>	None.	
<b>Impacts of this proposal</b>	<b>Key risks &amp; mitigations</b>	Robust governance should reduce financial, performance and governance risks
	<b>Equality impact</b>	These TOR should assist in reducing inequalities
	<b>Financial impact</b>	These TOR should improve financial governance and effective and efficient use of resources
<b>Wider support for this proposal</b>	<b>Public Engagement</b>	
	<b>Other Committee Discussion/ Internal Engagement</b>	There has been internal engagement within South East London CCG, as well as with Bromley Council.
<b>Author:</b>	Dr Angela Bhan – Borough Based Director for Bromley	

Clinical lead:	None.
Executive sponsor:	None.

# **Bromley Borough Based Board**

## **Terms of Reference**

**July 2020**

### **Constitution**

The Governing Body of NHS South East London Clinical Commissioning Group has resolved to establish a prime committee of the governing body to be known as the Bromley Borough Based Board (“the Committee”) ( for the avoidance of doubt, these will be in place in each of the six south east London boroughs). The Committee’s executive powers are those delegated to it by the CCG governing body (please see below in terms of collaborative working) and which are included in these terms of reference. These terms of reference can only be amended by the governing body.

The Borough Based Board is a commissioner only committee and has been established to ensure that decisions are taken at the right scale, for delegated services, with local government involvement wherever possible.

In the interests of collaborative working, it can therefore operate collaboratively with the Local Authority either:

- (a) With Local Authority non-voting attendance or
- (b) as a ‘committee in common’ (CIC) with representatives from the local authority.

From the outset, it is expected that the Bromley Borough Based Board will have a strong relationship with the Board of the One Bromley Local Care Partnership.

The accountability and decision making related to CCG decisions will remain with the CCG representatives when it meets with others in common. The Committee will continue to report to the CCG Governing Body, and regular reports from the Committee will be reported to the CCG Governing Body.

### **Purpose**

The CCG Chair, Accountable Officer and Chief Finance Officer remain accountable for the whole CCG and ensuring that the CCG discharges its statutory duties. The main function of the CCG Governing Body is to ensure that the CCG has made appropriate arrangements for ensuring that it complies with its obligations to act with effectiveness, efficiency and economy, and such generally accepted principles of good governance as are relevant to it. All members of the CCG governing body and members of prime committees which support it, have a responsibility to discharge this function.

The Committee is formally constituted by South East London Governing Body to make decisions, and to make recommendations in relation to place based commissioning to the Governing Body or other relevant committees. These decisions

and recommendations will secure services, improve health and wellbeing and reduce inequality and will be safe, timely, personalised, recovery focused and sustainable, and which meet the needs of the local population within the available resources. As far as it is possible, it is the intention that decisions relating to Bromley and Bromley's population will be made locally by the Bromley Borough Based Board.

The Committee, through its Chairmen (or women) will escalate any issues of concern to the Governing Body and will ensure the Committee is run in accordance with SEL CCG governance and the requirements of London Borough of Bromley. The Chairmen (or women) will take account of Conflicts of Interest in any local decision making.

These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the Committee.

This Committee will have delegated responsibility for the commissioning of local services, as part of the overall commissioning plans of the merged CCG including:

- Primary care commissioning (and make recommendations to the CCG's primary care commissioning committee as required)
- Community services commissioning (in the context of the SEL CCG wide Commissioning Intentions and minimum common service offer)
- Client group commissioning
- Medicines Optimisation related to community based care
- Continuing Healthcare

The Bromley Borough Based Board will be the prime committee for discussion and agreement for its agreed specific local delegated funding and functions and will work as part of South East London CCG.

The Committee will produce an annual delivery plan for the areas of delegated responsibility and funding that will be agreed with the South East London CCG Governing Body, and with London Borough of Bromley.

The Committee has a responsibility to manage the delivery of the annual delivery plan, the associated budget and performance for the areas in scope, ensuring that best value and optimal outcomes are delivered in these areas.

The Borough Based Director will have responsibility for the management of delegated local health budgets and will be held accountable for ensuring budgets inclusive of QIPP savings are delivered on plan and that local QIPP schemes are delivered.

The Committee has a responsibility to ensure effective oversight of its delivery plan, associated budget and performance and for escalating to the SEL GB if material risks to the delivery of plans are identified.

The Committee will manage the funds appropriately for the local population taking into account any conflicts of interest.

A purpose of the committee is to provide assurance to the governing body on the areas of scope and duties set out below.

## **Duties**

Members of the Committee will be held to account by the Governing Body and the London Borough of Bromley for undertaking the following duties for agreed areas of delegated responsibility:

- Produce and implement an annual delivery plan for the areas above, aligned to the South East London Long Term Plan response, the CCG's commissioning strategy plan and the annual operating plan
- Monitoring and managing the delivery of this plan, in line with agreed outcomes and indicators of delivery
- Agree, monitor and manage service contracts with providers where agreed responsibility for contract management sits at borough level
- To provide overall leadership, guidance and control to the local transformation programme led through the One Bromley Local Care Partnership ensuring agreed outcomes are delivered
- To ensure local arrangements and therefore assurance are in place on statutory functions , including, but not limited to, SEND, safeguarding, CHC and quality and contribute effectively to central oversight of these areas.
- Oversee the delivery of agreed local efficiencies/QIPP and service redesign plans
- Ensure delegated budgets including running costs are deployed effectively and within the agreed envelope
- Establish appropriate partnership arrangements to ensure appropriate health and social care integrated working, including the use, monitoring and management of agreed pooled funds
- Establish effective local governance arrangements to effectively discharge the committee's responsibilities in line with CCG governance arrangements, policies and procedures, which must be complied with at all times
- Ensure the delivery of statutory responsibilities including those relating to the Improvement & Assessment Framework and finance
- Identify all local risks and communicate these promptly such that they can be included/ adapted in the SEL CCG's risk register and identify and report on appropriate mitigations
- Engaging with and responding to local population, clinicians and staff to use their insights to shape local services, taking advice from the local Patient Engagement Forum, and providing assurance of local public engagement involvement and engagement activities to the relevant SEL committee.
- Consider local primary care commissioning and recommendations to the CCG's primary care commissioning committee as required
- Secure a coordinated borough contribution and response to the CCG's commissioning work, including to the development of annual commissioning

intentions and delivery plans across the totality of CCG commissioned services.

- Produce regular reports to the Governing Body on areas of delegated and associated responsibilities.

### **Authority/Delegation**

The Committee is authorised by the governing body to investigate any activity within its terms of reference and in line with the Committee’s prime purpose of appropriately managing delegated and associated functions, that meet the need for health services and on behalf of the local population within the available delegated resources.

### **Membership and attendance**

<b>CCG Members (Voting)</b>	<b>Local Authority Members (non-voting attendance)</b>	<b>Other non-voting members in attendance</b>
Borough CCG GP (joint Chairman)	Elected Member(joint Chairman)	Local LMC representative
Borough Based Director	Portfolio Holder for CYP	Local Healthwatch representative
Borough CCG GP (vice chair)	Portfolio Holder for Adult services	Head of Integrated Commissioning
Borough lay member	Director of Public Health	
	Director of Adult Services	
	Director for CYP Services	

SEL CCG has an administration team embedded in the Borough health team that is responsible for ensuring that the meeting will be quorate before the specified date, and to ensure that meeting arrangements and processes are in place and delivered. In the event that it will not be, the chairmen have the authority to co-opt another suitable person for the meeting.

The Committee should agree and work to an annual programme to inform the drafting of the committee agenda.

The CCG Accountable Officer, Chief Financial Officer and other South East London CCG executive directors may attend, as may Bromley Council’s CEO, and relevant senior officers from both organisations

Other members of the CCG or partner organisations may also be invited to attend on a non-voting basis.

## **Chairing of meeting**

At any meeting of the committee, the Chairmen, if present, shall preside. If the planned Chairman (lead GP) is absent, the Vice Chair shall preside. If the Chairman is temporarily absent on the grounds of conflict of interest, the Vice Chairman (or woman) shall preside. If the Chair and Vice Chair are absent on the grounds of conflict of interest, the borough lay member shall preside where the decision relates to health service only related funding.

## **Quorum & Conflicts of Interest**

The quorum required for any business to be transacted at a meeting is at least 75% of the voting members of the committee, rounded up to the next whole number, to be present at the meeting. For specific decisions related to primary care, within the borough's delegated authority, where conflicts exist and which is not a recommendation to the Primary Care Commissioning Committee, the quorum will be reduced to 100% of the non-conflicted voting members (i.e. the place based board director and lay member of the borough based board).

The Committee Chairmen are responsible for managing conflicts of interest that arise in a meeting.

Where members are required to withdraw from a meeting due to a conflict of interest or for any other reason that does not affect the meeting quorum, then a decision or vote can proceed as normal.

Where more than 50% of the voting members of a meeting are required to withdraw from a meeting or part of it, the chairmen (or women) may refer the matter to a meeting of the CCG's Governing Body.

Where a conflict is identified, the conflict and the action will be recorded in the minutes of the meeting and, where appropriate, the register of interests updated accordingly.

## **Decision Making**

Where a vote is required to decide a matter, each member may cast a single vote. In the event of a tie, the Chairman of the meeting may cast a second vote. A decision will be made on a simple majority.

It may on occasion, be necessary for the committee members to make decisions outside of formal meetings. The Committee Chairman will decide whether this procedure should be used.

## **Procedure of decisions made outside of formal meetings**

The Committee Chairman (lead GP) will arrange for the notice of the business to be determined and any supporting paper to be sent to members by email. The email will ask for a response to be sent to the Committee Chairman by a stated date. A decision made in this way will only be valid if the same minimum quorum described

in the above paragraph, expressed by email or signed written communication, by the stated date for response, states that they are in favour.

The Committee Chairman, or other individual as appropriate, will retain all correspondence pertaining to such a decision for audit purposes and report decisions so made to the next meeting. A clear summary of the issue and decision agreed will then be recorded in the minutes of this meeting.

## **Frequency**

Meetings will be held monthly with every second meeting held in public. When meeting in public, the Bromley Borough Based Board will be open to public questions at the end of the meeting.

All persons other than those that are members (as specified in the constitution or relevant terms of reference) will be excluded from any meeting or part of a meeting where it is deemed that it is not in the public interest. Such circumstances will be limited to discussions relating to a matter of a confidential nature regarding an individual, or small group of individuals, where their identity could be revealed or to a matter which may be commercially sensitive. In such circumstances the governing body will resolve that 'representatives of the press, and other members of the public, be excluded from the remainder of this meeting having regard to the confidential nature of the business to be transacted, publicity on which would be prejudicial to the public interest', Section 1(2), Public Bodies (Admission to Meetings) Act 1960.

## **Reporting**

The Bromley Borough Based Director is responsible for preparing a report on the proceedings of each meeting of the committee to be reported to the next meeting of the governing body. The Chair shall draw to the attention of the Governing Body any issues that require disclosure or require escalation to the Governing Body.

For the purpose of performance assurance for contracts delegated to the borough from the CCG Governing Body, to report to the CCG's Integrated Governance and Performance Committee on risks, performance variance and the actions planned to deliver and sustain improvement.

The minutes of the committee should be formally recorded by the embedded admin team and also included in Governing Body papers.

The Committee shall be supported administratively by the embedded governance & admin team, whose duties in this respect will include:

- Compilation of the annual workplan
- Agreement of agenda with the Chairmen and Bromley Borough Based Director
- Collation of papers, including supporting the preparation of front sheets



- Taking the minutes and keeping a record of matters arising and issues to be carried forward
- Taking steps to ensure quoracy
- Sending minutes and relevant reports for the Governing Body

### **Review of Arrangements**

The Committee shall undertake a self-assessment of its effectiveness on at least an annual basis which will be shared with the Governing Body.

In addition, the Bromley Borough Based Director will submit an annual report to the governing body to describe how the committee has fulfilled its terms of reference.

These terms of reference shall be reviewed periodically by the Governing Body.

DRAFT