

Southwark Borough Based Board: The Southwark Commissioning Board

Mobilisation and shadow running approach

Briefing paper

The purpose of this paper is to outline the proposed process for the establishment of the Southwark Borough Based Board: The Southwark Commissioning Board (SCB), our local Borough based Board.

Background

As part of the SEL CCG System Reform process a Borough Based Board (BBB) will be established in each of the six boroughs in SEL. The BBB will receive delegated commissioning functions and budgets from the SEL CCG and once the joint commissioning scope has been agreed, it will also include delegation from Southwark Council.

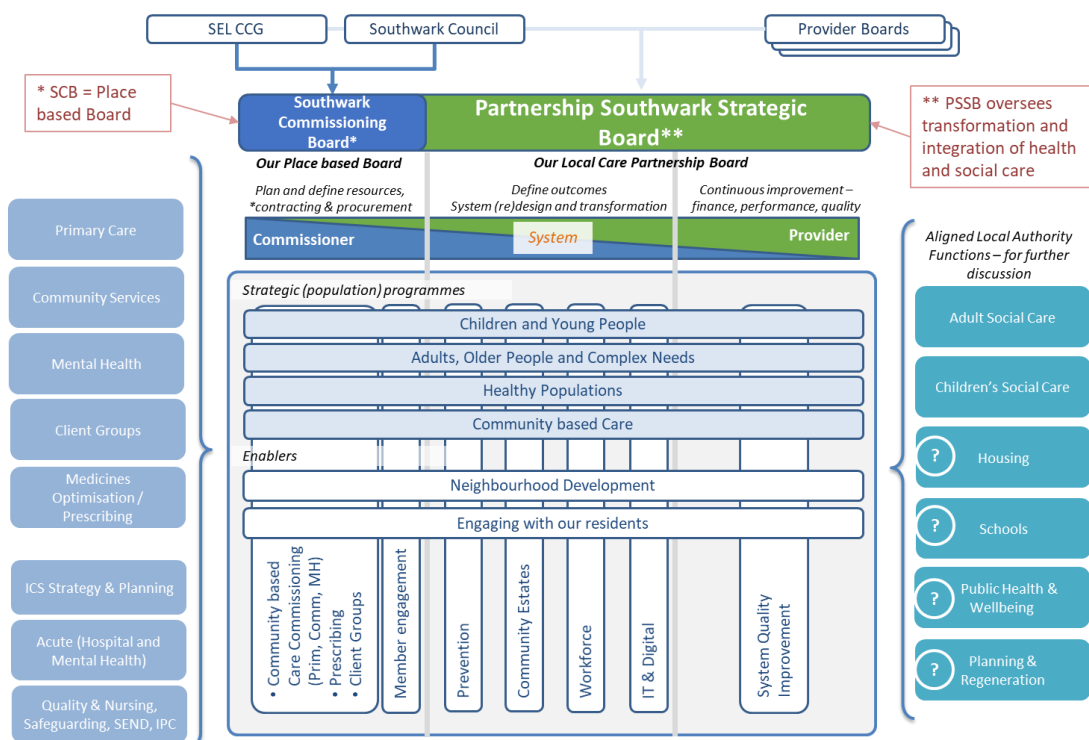
Southwark CCG and Southwark Council are developing an integration plan which will enable the two organisations to agree this scope and then move to a model of 'aligned plan, aligned budget'.

From a CCG perspective, delegated commissioning functions will focus on out of hospital services (i.e. primary care and community-based care – both physical and mental health), with the commissioning of all acute services being undertaken at SEL level.

It is proposed that Borough based Boards will also shape approaches to the development of integrated community-based care and oversee delivery at a borough level. Over time boroughs will work more closely with other provider and commissioner colleagues to shape these local decisions as part of a Local Care Partnership – for Southwark this is Partnership Southwark.

Integration Approach

The Joint Commissioning Strategy Committee (a joint committee between Southwark Council and Southwark CCG) agreed a process for integration of commissioning functions in November 2019. Southwark Council and Southwark CCG will undertake a formal process of due diligence once the joint commissioning scope has been agreed and before any formal joint governance is put in place.



The shared ambition of the two organisations is to establish the Southwark Commissioning Board as a ‘committee in common’ (CIC) between the CCG and Local Authority, with both organisations delegating function and budget responsibility to the committee. The high level model for these arrangements is set out in the figure above.

Initial Scope of the Southwark Commissioning Board

The Southwark Commissioning Board (SCB) will not be a joint decision-making board on 01 April, as only the NHS (through SEL Governing Body) will be delegating function and budget responsibility at the outset.

The Southwark Commissioning Board will operate as an NHS decision making meeting for NHS commissioners from 01 April 2020, pending inclusion of Local Authority commissioning scope. Voting and membership will reflect this arrangement.

The draft terms of reference for the Southwark Commissioning Board (based on the above) are attached in Appendix A.

The proposed structure of the SCB during the first 6 months (April – September 2020) is to run the meeting monthly:

- **On months one, three and five** the SCB will be held in private and will focus on progressing the integration agenda between the two organisations and on alignment of commissioning plans and strategy.

- **On months two, four and six** the SCB will meet in public and focus primarily on NHS business, but will also provide updates in public on the integration of the two organisations and the development of shared commissioning plans.

Shadow running and mobilisation during Quarter 4

There is an intention to shadow run some SEL CCG and associated system governance during Quarter 4 in anticipation of the new CCG being formed from 01 April 2020. Locally we will meet as a shadow SCB in seminar form during February as well as informal subgroup working during March.

The Partnership Southwark Strategic Board will be stood up from April 2020 as a sub-group of the Southwark Health and Wellbeing Board (with separate chairing and augmented membership and representation).

Version Control

- 0.0 *Base template shared with all SEL CCGs*
- 1.0 *Initial Southwark version for feedback including IGP discussion*
- 1.5 *Reflects comments from IGP and Southwark SMT discussion; along with feedback from SEL System Reform regarding NHSE position on Committee membership, attendance and voting; and feedback from Strategic Director Adults and Children at Southwark Council regarding Local Authority representation. Minor amends and local tailoring to duties section, to add in engagement and safeguarding.*
- 1.6 *Updated to reflect feedback from Southwark CCG / CSC subgroup*
- 1.7 *Further comments reflecting feedback and updates from Southwark Health and Wellbeing Board seminar 03 February and Shadow Borough Based Board seminar 06 February. Also further feedback from SEL Director of Commissioning System Reform.*
- 1.8 *Incorporating further comments from Accountable Officer.*

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Terms of Reference

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 Southwark Borough Based Board: The Southwark Commissioning 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 committee 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 interest 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 Borough Based Board will have a relationship with the Board of the 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 the Governing Body to make decisions and to make recommendations in relation to place based commissioning to the

Governing Body or other relevant committees, which secure services, improve health and wellbeing and reduce inequality that are safe, timely, personalised, recovery focused and sustainable and which meet the needs of the local population within the available resources.

The committee, through its Chair, will escalate any issues of concern to the Governing Body and will ensure the committee is run in accordance with CCG governance. The Chair 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 Southwark Commissioning 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 and will agree this with the South East London CCG Governing Body.

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 Director will have responsibility for the management of delegated local budgets and will be held accountable for ensuring budgets inclusive of QIPP savings are delivered on plan and that local Quality, Improvement, Prevention and Productivity (QIPP) schemes are delivered.

The committee has a responsibility to ensure effective oversight of its delivery plan, associated budget, quality and performance and for escalating to the SEL Governing Body 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 South East London CCG Governing Body 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. The Governing Body will provide oversight of this plan and ensure alignment to the overall South East London CCG strategy
- Monitoring and managing the delivery of this plan, in line with agreed outcomes and indicators of delivery, ensuring the engagement of local people and wider stakeholders as appropriate
- 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 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
- Oversee the development and implementation of the integration plan between the CCG and the Local Authority
- Agree the joint commissioning scope between the NHS and Local Authority in Southwark
- Establish appropriate partnership arrangements with the Local Authority to ensure appropriate 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 borough level delivery of statutory responsibilities including those relating to the CCG Improvement and Assessment Framework and CCG finance
- Ensure the local delivery of statutory responsibilities in relation to Safeguarding Children, Children Looked After and Care Leavers and Adults at Risk of Harm
- 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.

- Work with the SEL Equality Committee to support their strategic aims and objectives involving working closely with NHS trusts and Local authorities to promote and embed equality across the health and care system
- 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 responsibility.

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 areas which meet the needs for and on behalf of the local population within the available delegated resources.

Membership and attendance

The table below sets out membership and attendance for the committee based on the scope that has currently been agreed to be delegated from the SEL CCG Governing Body. This will be further developed as Local Authority scope is agreed as part of the shared integration plan between SEL CCG (Southwark Borough Team) and Southwark Council.

- Borough Based Director*
- Borough CCG clinical lead (Chair)*
- Borough CCG clinical lead (Vice Chair)*
- Borough Lay Member*
- Clinical portfolio lead for Primary Care and Quality
- Clinical portfolio lead for Healthy Populations and Development
- Director of Integrated Commissioning
- Strategic Director of Adults and Children
- Elected Member (Cabinet Member)
- Directors of Adult Social Services and Children's Services
- Director of Commissioning
- Strategic Director of Place and Wellbeing (Director of Public Health)
- Representatives from Local LMC and Local Healthwatch
- Representation from commissioning programme leads and Partnership Southwark Programme as appropriate to the agenda.

** = SEL CCG Prime Committee members with voting rights on delegated NHS scope*

Borough CCG GP leads may delegate their vote, for one meeting, to another clinician, should they be absent from that meeting. This will ensure that there will always be the necessary clinical representation in decision making. Quoracy would always include at least 1 SEL GB Borough GP Lead.

The borough's embedded administration team is responsible for ensuring that the meeting will be quorate before the specified date. In the event that it will not be, the Chair has 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 committee agenda.

The Accountable Officer, Chief Financial Officer and other South East London CCG executive directors may attend.

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

Chair of meeting

At any meeting of the committee, the Chair if present shall preside. If the Chair is absent, the Vice Chair shall preside. If the Chair is temporarily absent on the grounds of conflict of interest, the Vice Chair shall preside. If both the Chair and Vice Chair are absent on the grounds of conflict of interest, the Borough Lay Member shall preside.

Quorum and 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 exists and which is not a recommendation to the Primary Care Commissioning Committee, the quoracy will be reduced to 100% of the non-conflicted voting members.

The committee chair is 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 quoracy, then a decision or vote can proceed as normal.

Where quoracy cannot be met or voting members are required to withdraw from a meeting or part of it, leaving it inquorate, the chair should 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 chair 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 chair will decide whether this procedure should be used.

Procedure of decisions made outside of formal meetings

The committee chair 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 chair 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 chair, 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 bi-monthly in public and the intervening months will be used to develop the integrated commissioning scope between the Local Authority and the CCG.

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 Borough 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 Chair and Borough Director
- Collation of papers
- Taking the minutes and keeping a record of matters arising and issues to be carried forward
- Taking steps to ensure quoracy
- Sending minutes and 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 Borough 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.