

Joint Strategic Commissioning Committee (JSCC)

Terms of Reference V6.0 Draft

1. Introduction

- 1.1. The commissioners of health and social care in Norfolk and Waveney recognise the opportunities to work more effectively together whilst valuing their local relationships and local system working.
- 1.2. We propose to combine the benefits of Sustainability and Transformation Partnership “STP”-wide working with the benefits of localised solutions to optimise our ability to deliver improved health care and better value.
- 1.3. We aim to improve our efficiency, effectiveness and speed of action by streamlining our decision-making processes, working in a Joint Strategic Commissioning Partnership (“JSCP”) across the 5 CCGs consisting of NHS Great Yarmouth and Waveney, NHS Norwich CCG, NHS North Norfolk CCG, NHS South Norfolk CCG and NHS West Norfolk CCG (together “Norfolk and Waveney CCGs”). Where practicable we will do things once across the STP footprint, unless there is a good reason to work more locally.
- 1.4. Strategic Commissioning decisions will be made by a single Joint Strategic Commissioning Committee (JSCC) which will have delegated authority from the CCGs to make decisions against a defined set of responsibilities.
- 1.5. Where a function is not delegated to the JSCC each CCG will continue to manage its own commissioning of the local care system.
- 1.6. The Joint Strategic Commissioning Committee (“the Committee”) is established in accordance with NHS [] clinical commissioning group’s constitution. These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the Committee and shall have effect as if incorporated into the constitution.
- 1.7. The Committee is authorised by each CCG ~~the Governing Body~~ to act within its terms of reference. All members and employees of the CCGs are directed to cooperate with any request made by the Committee.

Commented [CJ-HoG1]: Hempsons advice

2. Membership

- 2.1. The Committee is comprised of :
 - The five Clinical Chairs of each of the Norfolk and Waveney CCGs;

- The Accountable/Chief Officer of each of the Norfolk and Waveney CCGs – one of whom will be appointed by the Committee as lead Chief Officer for Strategic Commissioning;
- Lead Chief Finance Officer;
- Three Lay members;
- Secondary Care Doctor;
- Registered Nurse.

- 2.2. There will be an equal number of members from each of the five CCGs who comprise the membership of the Committee.
- 2.3. All members of the Committee must have a good level of understanding of all of the Norfolk and Waveney CCG's financial and regulatory positions.
- 2.4. In addition the Committee may identify other lead CCG roles ~~who it is appropriate to be in attendance~~ to support the Committee but these lead roles will not be a member of the Committee. Examples include leads for quality and corporate affairs.
- 2.5. Senior Managers from any Norfolk and Waveney CCG or any other clinical or senior officer may be requested to attend the Committee meetings as directed by members of the Committee.
- 2.6. There shall be an administrator to the Committee and they shall attend to take minutes of the meeting provide appropriate support to the Chair and members.

3. Remit and Responsibilities of the Committee

- 3.1. The Committee is delegated decision making authority for the strategic commissioning and de-commissioning of health care for the populations of the Norfolk and Waveney CCGs where there is clear benefit in commissioning at this scale. The Committee should recognise that there are large variations in demographics and need across Norfolk and Waveney and that a local understanding is beneficial in designing services to meet that need. As such the Committee should concern itself solely with services which are best commissioned at scale. These services would include but are not limited to:

- Mental Health (Including Child and Adolescent Mental Health Services
- Learning Disabilities (Led by NCC)
- Children, Young People and Maternity
- Acute Contracts – incl RTT and A&E
- Urgent and Emergency Care – Including A&E and 111 ~~& OOH~~, Ambulance
- Specialised commissioning
- Transport

Commented [CJ-HoG2]: NHSE advice

- Equipment
- Clinical Policies and thresholds
- CHC & FNC & IPP
- Prescribing (at a strategic level)

3.2. Decision making delegated to JSCC is as follows:-

- Approve strategies for joint commissioning areas (as above)
- Approve Individual Funding and Clinical Treatment Thresholds Policies
- Approve arrangements for managing drugs and treatments
- Approve procurements in areas relating to joint commissioning
- Approve business cases for investments or disinvestments up to a limit of £0.5m per CCG (anything above this level needs agreement by individual CCGs)

4. Meetings of the Committee

- 4.1.** The Committee will meet at least monthly. The Chair may call a meeting of the Committee at any time outside of the monthly meetings. The venue for the Committee meetings will rotate across the 5 CCGs' areas.
- 4.2.** These meetings shall be open to the public unless the Committee resolves that the public be excluded from the meeting, whether for the whole or part of the proceedings on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of the business to be transacted or the proceedings.
- 4.3.** For the avoidance of doubt members of the Governing Body of each of the Norfolk and Waveney CCGs who are in attendance at the meeting but are not members of the Committee shall not be excluded under clause 4.2.
- 4.4.** Meeting dates will be set in April for the financial year and published on the CCGs' websites [____]. It will be made clear on the website whether the public have been excluded from whole or part of the meeting.
- 4.5.** Meetings in addition to those referred to at 4.1 above can be called by the Chair.
- 4.6. Agenda, supporting papers and business to be transacted**
- 4.6.1.** Items of business to be transacted for inclusion on the agenda of a meeting need to be notified to the administrator at least 10 working days (i.e. excluding weekends and bank holidays) before the meeting takes place. Supporting papers for such items need to be submitted at least 10 working days before the meeting takes place. The agenda and supporting papers will be circulated to all members of the meeting at least 7 working days before the date the meeting will take place.

4.6.2. Agendas and papers for the Committee – including details about meeting dates, times and venues - will be published on the CCGs' websites at []. This information is also available upon request either by post or email or for inspection at CCGs' headquarters. Details are on the back of this constitution document. Papers considered at meetings of the Committee will only not be published if the Committee considers that it would not be in the public interest to do so in relation to a particular paper or part of a paper

4.6.3. Any Norfolk and Waveney CCG Governing Body can add an agenda item to the agenda of the Committee if they follow the provisions of clause 4.6.1 above.

4.7. Chair of the Committee

4.7.1. The chair of the Committee will be one of the CCG Chairs and will be elected by the Committee. The deputy chair will be a lay member elected by the Committee.

4.7.2. At any meeting of the Committee the Chair of the Committee, if present, shall preside. If the chair is absent from the meeting, the deputy chair, if any and if present, shall preside.

4.7.3. If the chair is absent temporarily on the grounds of a declared conflict of interest the deputy chair, if present, shall preside. If both the chair and deputy chair are absent, or are disqualified from participating, or there is neither a chair nor deputy present, another member shall be chosen by the members present, or by a majority of them, and shall preside at that meeting.

4.8. Quorum

4.8.1. At least 5 of the members shall be a quorum. This must include at least one member from each of the five CCGs and one Chief Finance Officer, one Accountable Officer and one CCG Chair in attendance.

4.8.2. If the lead Chief Finance Officer is unable to attend then they may send a nominated representative who will count towards the quorum provided that person is a Chief Finance Officer at one of the Norfolk and Waveney CCGs and they comply with 4.8.3 below.

4.8.3. If members have sent representation rather than themselves they will count towards the quorum provided the Chair is notified of the representative at the start of the meeting and receives confirmation from the representative that they have authority to act on behalf of member. If they do not have authority to act on behalf of the member they will not count towards the quorum.

4.8.4. For the avoidance of doubt, the representative must be a member of the Governing Body from the CCG which they are representing unless 4.8.2 applies above.

4.8.5. If the quorum is lost due to member(s) being disqualified from taking part in a vote or discussion due to a declared interest then the CCGs' Managing Conflict of Interest Policy will be followed.

4.9. Decision making

4.9.1. Generally it is expected that the Committee's decisions will be reached by consensus. Should this not be possible then a vote of members will be required, the process for which is set out below:

Eligibility – Each member physically present at the meeting is entitled to one vote;

Majority necessary to confirm a decision – Each question put to the vote at a meeting shall be determined by a majority of votes of those members voting on the question;

Casting vote - In the case of an equal vote, there will be no casting vote **and the item would be sent back to each individual CCG for another discussion or individual decision.**

Commented [CJ-HoG3]: NHSE advice

Dissenting views – Should a vote be taken the outcome of the vote, along with any dissenting views, must be recorded in the minutes of the meeting.

For the avoidance of doubt any decision made by vote will be binding on each Norfolk and Waveney CCG.

4.10. Minutes

4.10.1. The minutes will record the names of the individuals in attendance. The name of the administrator will also be included.

4.10.2. The minutes will be drawn up and circulated in accordance with members wishes and then formally signed off by the Chair of the meeting as a true record of the meeting.

5. Admission of public and the press

5.1. The public and representatives of the press will be admitted to all meetings of the Committee (unless section 4.2 above applies) which will be publicised in advance, on the CCGs' websites [].

5.2. The public and representatives of the press may attend all meetings of the Committee that are held in public according to a schedule to be published annually in advance, but shall be required to withdraw upon the Committee resolving as follows:

'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

General disturbances

The Chair or deputy Chair or the person presiding over meetings held in public shall give such directions as he/she thinks fit with regard to the arrangements for meetings and accommodation of the public and representatives of the press such as to ensure that the Committee's business shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public will be required to withdraw upon the Committee resolving as follows:

'that in the interests of public order the meeting adjourn for (the period to be specified) to enable the Group to complete its business without the presence of the public'. Section 1(8) Public Bodies (Admissions to Meetings) Act 1960.

Business proposed to be transacted when the press and public have been excluded from a meeting

Matters to be dealt with by the Committee following the exclusion of representatives of the press, and other members of the public, as provided for above, shall be confidential to the members of the Committee.

Members and officers or any employee of the CCGs in attendance shall not reveal or disclose the contents of papers without the express permission of the Committee. This prohibition shall apply equally to the content of any discussion during the meeting which may take place on such reports or papers and to the minutes of the meeting arising.

Notwithstanding the above, the Committee members shall be able to disclose confidential matters to other members of their respective Governing Body of the CCG.

6. Relationship with the Governing Body of each CCG.

- 6.1. The minutes of Committee meetings shall be formally recorded by the secretary of the Committee and submitted, together with recommendations where appropriate, to each Governing Body.
- 6.2. The Committee should also provide the Governing Body at each of its meetings with formal reports of its work and assurances that have been received and validated.
- 6.3. The Committee is a formal Committee of each Norfolk and Waveney CCG ~~Governing Body.~~

Commented [CJ-HoG4]: Hempsons advice

7. Policy and best practice

- 7.1. The Committee will apply best practice in the decision making process for example by following Conflicts of Interest guidance published by NHS England.
- 7.2. The Committee is authorised ~~by the Governing Body~~ to instruct professional advisors and request the attendance of individuals and authorities from outside the CCGs with relevant experience and expertise if it considers this necessary or

expedient to exercise its functions. The Committee also has full authority to commission any reports or surveys it deems necessary to help fulfil its obligations.

- 7.3. The Committee is authorised to obtain such internal information as is necessary and expedient to the fulfilment of its functions.

8. Conduct of the Committee

- 8.1. The Committee shall conduct its business in accordance with national guidance and relevant codes of conduct and good governance practice, including the Nolan Principles, managing conflicts of interest and standards of business conduct policies.
- 8.2. The Committee will assess its performance, membership and terms of reference annually or sooner if required and draw up its own plans for improvement. ~~The Governing Body shall consider approving any amendments proposed to these terms of reference and will have final approval of such.~~ All Norfolk and Waveney CCGs ~~Governing Bodies~~ must approve any changes to the terms of reference for them to be binding.

Date Agreed