

Southwark Primary Care Commissioning Committee

Terms of Reference

Introduction

1. In accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended), NHS England has delegated the exercise of the functions specified in Schedule 2 to these Terms of Reference to NHS Southwark Clinical Commissioning Group (CCG). The delegation is set out in Schedule 1.
2. The CCG has established the NHS Southwark CCG Primary Care Commissioning Committee (“Committee”). The Committee will function as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers as set out in NHS Southwark CCG’s Constitution and Scheme of Delegation.
3. It is a committee comprising representatives of the following organisations:
 - NHS Southwark CCG;
 - In attendance:
 - Southwark Council representative of the Health and Wellbeing Board;
 - Southwark Local Medical Committee;
 - Southwark Healthwatch;
 - South east London CCGs Primary Care Contracts Team.

Statutory Framework

4. NHS England has delegated to the CCG authority to exercise the primary care commissioning functions set out in Schedule 2 in accordance with section 13Z of the NHS Act.
5. Arrangements made under section 13Z may be on such terms and conditions (including terms as to payment) as may be agreed between the NHS England Board and the CCG.
6. Arrangements made under section 13Z do not affect the liability of NHS England for the exercise of any of its functions. However, the CCG acknowledges that in exercising its functions (including those delegated to it), it must comply with the statutory duties set out in Chapter A2 of the NHS Act and including:
 - a) Management of conflicts of interest (section 14O);
 - b) Duty to promote the NHS Constitution (section 14P);

- c) Duty to exercise its functions effectively, efficiently and economically (section 14Q);
 - d) Duty as to improvement in quality of services (section 14R);
 - e) Duty in relation to quality of primary medical services (section 14S);
 - f) Duties as to reducing inequalities (section 14T);
 - g) Duty to promote the involvement of each patient (section 14U);
 - h) Duty as to patient choice (section 14V);
 - i) Duty as to promoting integration (section 14Z1);
 - j) Public involvement and consultation (section 14Z2).
7. The CCG will also need to specifically, in respect of the delegated functions from NHS England, exercise those in accordance with the relevant provisions of section 13 of the NHS Act
- Duty to have regard to impact on services in certain areas (section 13O);
 - Duty as respects variation in provision of health services (section 13P).
8. The Committee is established as a committee of the CCG Governing Body in accordance with Schedule 1A of the “NHS Act”.
9. The members acknowledge that the Committee is subject to any directions made by NHS England or by the Secretary of State.

Role of the Committee

10. The Committee has been established in accordance with the above statutory provisions to enable the membership of the committee to make collective decisions on the review, planning and procurement of primary care services in Southwark, under delegated authority from NHS England.
11. In performing its role the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and NHS Southwark CCG, which will sit alongside the delegation and terms of reference.
12. The functions of the Committee are undertaken in the context of a desire to promote primary care commissioning to increase quality, efficiency, productivity and value for money and to remove administrative barriers.

13. The role of the Committee shall be to carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act.
14. This includes the following:
- GMS, PMS and APMS contracts (including the design of PMS and APMS contracts, monitoring of contracts, taking contractual action such as issuing branch/remedial notices, and removing a contract);
 - Enhanced Services and newly designed enhanced services (“Local Enhanced Services” and “Directed Enhanced Services”);
 - Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF);
 - Decision making on whether to establish new GP practices in an area;
 - Approving practice mergers; and
 - Making decisions on ‘discretionary’ payment (e.g., returner/retainer schemes).
15. The CCG will also carry out other activities as detailed in Schedule 1 of the Delegation Agreement between NHS Southwark CCG and NHS England.
16. The Committee will make decisions in respect to local services delivered by primary care organisations, GP practices or other community based organisations and the related budgets.

Geographical Coverage

17. The Committee will comprise of decisions in respect of the GP registered population of NHS Southwark CCG.

Membership

18. The Committee shall consist of:

Members with voting rights

- 2 * Lay Members
- 2 * Governing Body GP Members
- Registered Nurse or Secondary Care Specialist (single member)

- CCG Managing Director
- CCG Director of Finance
- Another CCG Director

Non-Voting Members

- Local Medical Committee Representative
- Healthwatch Representative
- Local Authority Representative of the Health and Wellbeing Board (Elected Member or Mandated Officer)
- Officers as required to undertake business of the committee – CCG and / or south east London primary care team members

19. The Chair of the Committee shall be a Lay Member of NHS Southwark CCG. This will not be the Lay Member responsible for Audit.

20. The Vice Chair of the Committee shall be a Lay Member of NHS Southwark CCG. This will not be the Lay Member responsible for Audit.

Meetings and Voting

21. As a committee of the Governing Body, the Committee will operate in accordance with the CCG's Standing Orders (in line with NHS England Standard Operating Procedures). This includes the capacity to manage urgent matters outside the normal arrangements:

- a. Urgent matters requiring a decision outside of the Committee's normal meeting cycle may be taken under the Chair's action.
- b. Urgent planned decisions outside of the Committee's normal meeting cycle may be taken by voting members virtually.

22. The aim of the Committee will be to achieve consensus decision-making wherever possible. In the event a vote is required, each member of the Committee shall have one vote. The Committee shall reach decisions by a simple majority of members present, but with the Chair having a second and deciding vote, if necessary.

Quorum

23. The quorum shall be 50% of the non-GP voting members.

Frequency of meetings

24. The Committee will meet regularly at least 4 times per year.

Procedure

25. Meetings of the Committee shall:
- a) be held in public, subject to the application of 25 (b);
 - b) the Committee may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever 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 that business or of the proceedings or for any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time;
 - c) the closed confidential part of the meeting (as provided for at 25 (b) above) shall be referred to as Part 2 of the meeting and shall have a separate agenda and minutes;
 - d) the Committee may invite the representatives of the local authority (Health and Wellbeing Board), Local Medical Committees and Healthwatch to Part 2 of any meeting where it considers it is appropriate for such representatives to attend all or part of Part 2 of the meeting.
26. The committee may meet in common with other CCGs in south east London (NHS CCG Bexley, NHS CCG Bromley, NHS CCG Greenwich, NHS CCG Lewisham and NHS CCG Southwark, Lambeth – or any combination of these CCGs) when there is common business to transact.
27. Members of the Committee have a collective responsibility for the operation of the Committee. They will participate in discussion, review evidence and provide objective expert input to the best of their knowledge and ability, and endeavour to reach a collective view.
28. The Committee may delegate tasks to such individuals, sub-committees or individual members as it shall see fit, provided that any such delegations are consistent with the parties' relevant governance arrangements, are recorded in a scheme of delegation, are governed by terms of reference as appropriate and reflect appropriate arrangements for the management of conflicts of interest.
29. The Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions.
30. Members of the Committee shall respect confidentiality in attending and undertaking the business of the committee.

Reporting arrangements

31. The Committee will present an executive summary report and its minutes to the governing body of NHS Southwark CCG and the London area team of NHS England following each meeting for information, including the minutes of any sub-committees to which responsibilities are delegated under paragraph 28 above.
32. The CCG will also comply with any reporting requirements set out in its Constitution.

Accountability of the Committee

33. The Committee will be accountable for the expenditure of the primary care budget delegated from NHS England to the CCG. Responsibility for authorising expenditure against this budget may be further delegated only as set out in the Operational Scheme of Delegation ratified by the Governing Body.
34. For the avoidance of doubt, in the event of any conflict between the terms of the CCG's Operational Scheme of Delegation, the Committee's Terms of Reference and the CCG's Prime Financial Policies, the Operational Scheme of Delegation will prevail.

Decisions

35. The Committee will make decisions within the bounds of its remit.
36. The Committee will ensure that any conflicts of interest are dealt with in accordance with the CCG's Constitution, Conflict of Interest policy and Standards of Business Conduct policies which for the avoidance of doubt may include members (voting or otherwise) being excluded from a decision and/or the discussions leading thereto. The Committee will enact its responsibilities as set out in these Terms of Reference in accordance with the Nolan Principles for Standards in Public Life.
37. The decisions of the Committee shall be binding on NHS Southwark CCG and NHS England.

Review

38. Terms of Reference will be reviewed on an annual basis.

Reviewed: April 2018

Next review: April 2019