

## BaNES Locality Commissioning Group

### Terms of Reference

#### 1. Introduction

- 1.1 In accordance with the BSW ICB's Constitutions and Standing Orders, the BSW ICB Board established this BaNES Locality Commissioning Group (the Group). The BSW ICB's Delegated Financial Limits, and Scheme of Reservations and Delegations, apply.
- 1.2 The committee may operate in common with relevant committees of other organisations in the interests of integration.
- 1.3 This Committee is accountable to the BSW ICB Board. The Committee will, where appropriate, act as an advisory and decision making body, to the two commissioning organisations, making recommendations to the ICB for change in commissioned services, and making decisions within the remit of these ToR.
- 1.4 The Committee has delegated authority from the BSW ICB Board to make decisions on all matters related to areas within the pooled budget and where there is joint funding between the ICB and Local Authority. The Committee represents the partnership of health and social care commissioners across BaNES to build on a shared vision for the commissioning and development of services.
- 1.5 These Terms of Reference set out the membership, remit, responsibilities and reporting arrangements of the Committee.

#### 2. Responsibilities/Duties

- 2.1 The BSW ICB Board delegates to the Committee the responsibilities for the BSW ICB's commissioning activities in the BaNES locality, including collaborative and joint commissioning arrangements, as permitted, with B&NES Council. For the avoidance of doubt, primary care commissioning is not included within this remit and remains the responsibility of the BSW ICB's Primary Care Commissioning Committee. The Committee has decision-making powers, delegated to it by the BSW ICB Board, to whom the Committee is accountable.
- 2.2 Within this remit, the Committee shall cover the following areas:

Commissioning of health and care services in the BaNES locality:

- a. Collaborating with relevant partners, develop the locality's strategy for the development and delivery of health and care services, and the locality's commissioning strategy, for approval by the ICB's Board;
- b. Develop, and recommend to the ICB's Board, the locality's financial, business and operational plans including risk sharing / risk management arrangements, as applicable;

- c. Ensure that local commissioning, including integrated / collaborative / joint commissioning, complies with the ICB's legal and statutory obligations;
- d. Within the framework set by the ICB's and the locality's strategies, make commissioning decisions and sign off procurement processes and outcomes for services, or recommend commissioning decisions and procurement processes to other decision-making bodies, as appropriate;
- e. Monitor the performance of commissioned services, and agree performance management actions as required;
- f. Provide the BSW ICB Board with assurance that all commissioning arrangements in the locality (including integrated / collaborative / joint commissioning with B&NES Council and / or other partners) are appropriately governed and managed.
- g. Ensure, and assure the ICB's Board, that all statutory requirements regarding public engagement and consultation are met in the locality's health and care commissioning activities;
- h. Approve and ensure implementation of locality policies as may be required to support integrated / collaborative / joint commissioning, following consultation with the ICB's Board, and ensuring alignment and compliance with BSW ICB policies;

Commissioning of services in an integrated way with B&NES Council under the terms of the B&NES Framework Partnership Agreement relating to the Commissioning of Health and Social Care Services, and the Joint Working Framework:

- j. Continuously develop integrated commissioning, agree areas for an integrated approach, and mitigate against any negative impacts of such an approach;
- k. Within agreed section 75 arrangements with B&NES Council, make commissioning decisions for new and existing services;
- l. Manage the ICB's section 75 arrangements with B&NES Council, including
  - i. Regular review of said arrangements to ascertain they continue to meet identified need / deliver the intended outcomes;
  - ii. Monitoring the performance of jointly commissioned services, and agree performance management actions as required;
  - iii. Risk management within the parameters set by the BSW ICB;
  - iv. Within the parameters set by the BSW ICB and the B&NES Council, develop and agree annual business, financial and operational plans;
  - v. Management of pooled funds, including;
    - regularly receive and review reports, and an annual return, about the income and expenditure from the Pooled Fund together with such other information as may be required to monitor the effectiveness of the Pooled Fund;
    - agree to the viring of funds between Pooled Funds;
    - approve Individual Services under the Better Care Fund, ensuring compliance with the Better Care Fund Plan and the strategic direction of the Better Care Fund;
    - monitor the Better Care Fund;

- receive notification of any projected underspends in the Better Care Fund, and agree use of such underspends;
  - agree funding of overspends if such funding can be met from the available pooled fund and available resources, or otherwise recommend the funding request to Council and ICB approval processes.
- vi. In the context of agreeing and managing pooled funds, facilitate the ICB's and the Council's mutual understanding of each organisation's savings and delivery plans.

#### **4. Membership**

4.1 The following are members of the Committee, i.e. they have the right to receive meeting documents and to vote:

- Place Director, BaNES locality;
- Associate Director Finance;
- Associate Director Community Transformation, BaNES Locality;
- Locality Clinical Lead (BaNES)
- Locality Healthcare Professional (BaNES)
- An ICB Executive

4.2 The Chair, on behalf of the Committee, may invite such individuals to the Committee's meetings as are considered necessary to enable the Committee to conduct its business effectively. For the avoidance of doubt, such invited attendees cannot participate in the Committee's decision-making and must not vote.

4.3 The Place Director (BaNES locality) will chair this Committee.

#### **5. Quorum**

5.1 The quorum for this Committee shall be four members including a finance professional.

5.2 If the meeting becomes inquorate, it shall either be suspended, or decisions ratified at the next meeting of the Committee.

#### **6. Reporting**

6.1 After each of its meetings, the Committee will report through its Chair to the ICB's Board about business transacted and decisions taken. Reports will be in the form of standard cover sheet, highlighting reporting items as agreed by the Committee at each meeting, together with the minutes of that meeting.

6.2 To report as appropriate to the BSW ICB Finance Committee to enable the monitoring of performance of any joint/collaborative arrangements with the local authority such as the Better care Fund.

6.3 In addition, and as agreed with the Committee, the Chair shall report on any matters within the remit of this Committee which in the Chair's view require the ICB's Board's attention and / or executive decision making.

#### **7. Authority**

7.1 In furtherance and support of its business, this Committee is authorised to request and review reports from external experts, and from individual functions within the ICB, as appropriate.

7.2 In accordance with the BSW ICB Constitution and Standing Orders, the Committee may establish sub-groups as appropriate to support the Committee in discharging its responsibilities.

## **8. Frequency of Meetings**

8.1 Meetings shall normally be held monthly, and otherwise as required.

## **9. Secretary**

9.1 The Secretariat for the Committee is provided by the ICB's Corporate Office. The Secretariat shall:

- provide Committee members with governance advice as required;
- ensure timely provision of meeting papers / materials to Committee members;
- record in formal minutes the business transacted, and decisions taken by the Committee.

## **10. Conduct of meetings**

10.1 Committee meetings will be conducted in accordance with the BSW ICB's Constitution and Standing Orders.

10.2 Members of the Committee will

- conduct the Committee's business in accordance with any national guidance and relevant codes of conduct / good governance practice, including the Nolan principles of public life;
- comply with the standards of business conduct, including the protocols for managing conflicts of interest, as determined in the ICB's Constitution, Standards of Business Conduct Policy, and other relevant policies / guidance on good and proper meeting conduct for NHS organisations.

10.3 Before each meeting of the Committee, a written notice of the meeting, specifying the business proposed to be transacted at it, will be delivered to every member (by email) so as to be available to them 5 working days before the meeting. Want of service of the notice to any member will not affect the validity of a meeting.

10.4 The Chair will agree the agenda in advance of each meeting. The agenda and supporting papers will normally be circulated 5 working days in advance of the meeting.

10.5 A meeting is constituted when members attend face-to-face, via telephone or video conferencing, any other electronic means, or through a combination of the above. Quoracy rules apply in any case. For the avoidance of doubt, this provision applies to and facilitates the Committee's decision making by email, should this be required to expedite an urgent decision.

10.6 The Committee is expected to reach decisions by consensus. For clinical and service delivery items, the Committee will assure itself that it has received such clinical advice / input as it requires to make an informed decision.

- 10.7 Where consensus cannot be reached on an item that requires a decision, and a vote is necessary, a simple majority of members present is required to pass a decision. The quoracy rules as set out in point 5 above apply. In the case of equality of votes, the Chair will have a casting vote.
- 10.8 The minutes of the proceedings of a meeting of the Committee shall be circulated to members in a timely manner following each meeting, and shall formally be approved at the next ensuing meeting of the Committee. No discussion will take place upon the minutes except upon their accuracy or where the Chair considers discussion appropriate. Any amendments to the minutes must be agreed and recorded at this meeting.
- 10.9 In the event an urgent decision of the Committee is required outside of a meeting, the Chair may share papers by email to the members of the Committee and request a decision within a specified period of time. If a majority of the members reply in accordance with the agreed decision making arrangements set out in paragraph 4, within the time period, the Chair may make the decision and record this to be presented at the next meeting of the Committee.

## **11. Review**

- 11.1 The Committee will regularly review its performance, its membership and these terms of reference, and recommend to the ICB's Board any amendments it considers necessary to ensure it continues to discharge its business effectively.

**Effective date:** 1<sup>st</sup> July 2022

**Review date:** July 2023

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