

Swindon Locality Commissioning Group

Terms of Reference

1. Introduction

- 1.1 In accordance with the BSW ICB's Constitutions and Standing Orders, the BSW Board establishes this Swindon Locality Commissioning Group (the Group) as a committee of the BSW ICB Board. The BSW ICB's Delegated Financial Limits, and Scheme of Reservations and Delegations, apply.
- 1.2 The Group may operate in common with relevant committees or groups of other organisations to support the development and delivery of integrated services.
- 1.3 The Group may also, over time, wish to operate in common with other relevant groups or committees of other organisations in the interests of integration.
- 1.4 This Group is accountable to the BSW ICB Board. The Group will, where appropriate, act as an advisory and decision making body, making recommendations to the ICB for change in commissioned services, and making decisions within the remit of these ToR.
- 1.5 The Group 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 Group represents the partnership of health and social care commissioners across Swindon to build on a shared vision for the commissioning and development of services.
- 1.6 These Terms of Reference set out the membership, remit, responsibilities and reporting arrangements of the Group.

2. Responsibilities/Duties

- 2.1 The BSW ICB Board delegates to the Group the responsibilities for the BSW ICB's commissioning activities in the Swindon locality, including collaborative and joint commissioning arrangements, as permitted, with Swindon Borough 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 Group has decision-making powers, delegated to it by the BSW ICB Board, to whom the Group is accountable.
- 2.2 Within this remit, the Group shall cover the following areas:

Commissioning of health and care services in the Swindon 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 Swindon Borough 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 Swindon Borough Council under the terms of the of the National Health Services Act 2006 Section 75 Agreements and the Better Care Fund Plan:

- 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 Swindon Borough Council, make commissioning decisions for new and existing services;
- l. Manage the ICB's section 75 arrangements with Swindon Borough 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 Swindon Borough 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 Group, i.e. they have the right to receive meeting documents and to vote:

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

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

4.4 The Place Director (Swindon locality) will chair this Group. For meetings in common, an alternate chairing arrangement shall be in place.

5. Quorum

5.1 The quorum for this Group 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 quorate meeting of the Group.

6. Reporting

6.1 After each of its meetings, the Group 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 In addition, and as agreed with the Group, the Chair shall report on any matters within the remit of this Group 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 Group is authorised to request and review reports from external experts, and from individual functions within the ICB and the Council, as appropriate.
- 7.2 In accordance with the BSW ICB Constitution and Standing Orders, the Group may establish sub-groups as appropriate to support it 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 Locality Commissioning Group will be provided through the ICB's Corporate Office. For meetings in common, the Secretariat may alternate annually between the organisations concerned, or by agreement

The Secretariat shall:

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

10. Conduct of meetings

- 10.1 Meetings will be conducted in accordance with the BSW ICB's Constitution and Standing Orders.
- 10.2 Members of the Group will
- conduct the Group'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 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.
- 10.4 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 Group's decision making by email, should this be required to expedite an urgent decision.
- 10.5 The Group is expected to reach decisions by consensus. For clinical and service delivery items, the Group will assure itself that it has received such clinical advice / input as it requires to make an informed decision.

- 10.6 For commissioning decisions regarding health services, in the event that a consensus cannot be reached on an item requiring a decision, a vote can be taken. A simple majority of Locality Commissioning Group 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.
- 10.7 The minutes of the proceedings of a meeting of the Group 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.
- 10.8 In the event an urgent decision of the Group is required outside of a meeting, the Chair may share papers by email to the members of the Group 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 10.5 and 10.6 above, within the time period, the Chair may make the decision and record this to be presented at the next meeting of the Group.
- 11. Review**
- 11.2 The Group 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.

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Contact: bswicb.governance@nhs.net