

## Commissioning Partnership Board Report

<b>Decision Maker:</b>	Executive Member Councillor Z Chauhan, Cabinet Member for Health and Social Care
<b>Date of Decision:</b>	30 August 2018
<b>Subject:</b>	Amendment to Commissioning Partnership Board Terms of Reference
<b>Report Author:</b>	Julie Daines, Strategic Director of Corporate Affairs and Resources, Oldham CCG
<b>Officer Contact:</b>	Julie Daines, Strategic Director of Corporate Affairs and Resources, Oldham CCG

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<b>Reason for the decision:</b>	To consider amendments to the Commissioning Partnership Board Terms of Reference, following discussions at the Commissioning Partnership Board held on 28 June 2018.
<b>Summary:</b>	<ul style="list-style-type: none"><li>(i) Changes to section 5 removing the 'casting vote' mechanism.</li><li>(ii) Addition to section 2, and minor changes to section 7 and 8, describing the relationship of Commissioning Partnership Board in the context of the Health and Wellbeing Board and its duties.</li><li>(iii) Addition to section 9, describing the values and behaviours of Oldham Cares.</li></ul>
<b>What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):</b>	<ul style="list-style-type: none"><li>(i) Continue with the existing Terms of Reference,</li></ul> <p>OR</p> <ul style="list-style-type: none"><li>(ii) Amend the Terms of Reference to:</li></ul> <ul style="list-style-type: none"><li>• remove the 'casting vote' and require further dialogue to reach decision through simple majority;</li><li>• Reflect the context of the Health and Wellbeing Board and its duties</li><li>• Reflect the Values and Behaviours</li></ul>

required of the Commissioning Partnership Board as part of Oldham Cares Alliance.

**Recommendation(s):**

Option (ii) to amend the Terms of Reference.

The common agreement of the Commissioning Partnership Board Terms of Reference by Oldham Council and Oldham CCG members demonstrates the commitment of the partners to the co-operative agenda within the borough.

**Implications:**

*What are the financial implications?*

None.

*What are the procurement implications?*

None.

*What are the legal implications?*

Oldham Council and Oldham CCG have both sought separate external legal advice in relation to the preparation of the Commissioning Partnership Board Terms of Reference. Senior representatives from both partner organisations have participated in the negotiations to ensure common agreement to the Terms of Reference. None of these proposed changes undermine those agreements.

(Julie Daines)

None

*What are the Human Resources implications?*

**Equality and Diversity Impact Assessment attached or not required because (please give reason)**

The commissioning decisions to be taken by the Commissioning Partnership Board will be subject to Equality Impact Assessments to address the impact upon individuals with protected characteristics.

None

*What are the property implications*

**Risks:**

The Commissioning Partnership Board is a joint committee of the Council and the CCG established under Regulation 10(2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (the Partnership Regulations). The Commissioning Partnership Board is established in accordance with the CCG's constitution, standing orders and scheme of delegation and in accordance with the Council's constitution. The Commissioning Partnership Board is accountable to the CCG and the Council in accordance with the

arrangements set out in CCG Standing Orders and the Council's Constitution.

Failure to resolve the concerns raised by Commissioning Partnership Board members may hinder decision-making and therefore the delivery of benefits arising from closer working between Oldham MBC and Oldham CCG.  
(Julie Daines)

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution/CCG's Standing Orders? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the S.75 budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council/CCG? No

**Reason(s) for exemption from publication:** N/a

**Reason for urgent report** N/a

**Reason for exemption from call in** N/a

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**List of Background Papers under Section 100D of the Local Government Act 1972:**

<b>Title</b>	<b>Available from</b>
Commissioning Partnership Board Terms of Reference	Attached.

<b>Report Author Sign-off:</b> Julie Daines	
<b>Date:</b> 21 <sup>st</sup> August 2018	

Please list any appendices:-

<b>Appendix number or letter</b>	<b>Description</b>
Appendix 1	Amended CPB Terms of Reference with track changes

## **1. Background**

- 1.1 The Commissioning Partnership Board is the integrated strategic commissioning body for health and social care services established under section 75 of the NHS Act 2006 between NHS Oldham Clinical Commissioning Group (the CCG) and Oldham Metropolitan Borough Council (the Council or OMBC).
- 1.2 The Commissioning Partnership Board is a joint committee of the Council and the CCG established under Regulation 10(2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (the Partnership Regulations).
- 1.3 The Commissioning Partnership Board is established in accordance with the CCG's constitution, standing orders and scheme of delegation and in accordance with the Council's constitution. The Commissioning Partnership Board shall be accountable to the CCG and the Council in accordance with the arrangements set out in CCG Standing Orders and the Council's Constitution.
- 1.4 The Commissioning Partnership Board shall exercise on behalf of the CCG and the Council such integrated commissioning functions as may be delegated to it pursuant to such agreement or agreements that they may enter into from time to time pursuant to the Partnership Regulations (section 75 agreement).
- 1.5 The Commissioning Partnership Board may appoint sub-committees as it considers appropriate to exercise any functions that are exercisable by it insofar as any such functions may be sub-delegable. The Commissioning Partnership Board may delegate tasks to such sub-committees and to officers in accordance with the delegation arrangements set out in the section 75 agreement between the CCG and Council.
- 1.6 The terms of reference outline how the Commissioning Partnership Board will direct and drive the commissioning function of 'Oldham Cares', they also describe the membership, remit, responsibilities and reporting arrangements of the Commissioning Partnership Board and shall have effect as if incorporated into the CCG's constitution and standing orders.
- 1.7 At the Commissioning Partnership Board held on 28 June 2018, the committee received the Commissioning Partnership Board Terms of Reference for ratification at its inaugural meeting.
- 1.8 The Board gave consideration to the Terms of Reference of the joint committee of Oldham Council and Oldham Clinical Commissioning Group under Regulation 10 (2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 which had been agreed by the respective organisations via CCG Governing body and the Council's Cabinet.
- 1.9 The Board would exercise on behalf of the CCG and Council the integrated commissioning functions established under Section.75 of the NHS Act 2006.
- 1.10 The Chair expressed some concern at having the casting vote should there be an equality of voting and advised the Board that the preference would be to ensure that there was full agreement on matters before the Board.
- 1.11 It was suggested that should a simple majority not be reached, the matter would be taken outside of the meeting to obtain further detail/information and the issue would be reconsidered at the next available Board meeting.
- 1.12 The Chair also requested two further additions to the Terms and Reference in relation to the context of the Health and Wellbeing Board and its duties, and the values and behaviours of the Commissioning Partnership Board.

## 2. Proposals

2.11 Oldham Council and Oldham CCG had both sought separate external legal advice in relation to the preparation of the current Commissioning Partnership Board Terms of Reference. Senior representatives from both partner organisations had participated in the negotiations to ensure common agreement.

### 2.12 Casting Vote

Section 5 of the Commissioning Partnership Board Terms of Reference, could be amended.

To remove:

*In the event of a tied vote, the Chair of the day has a casting vote;*

And to replace with:

*Should a decision not be reached, then the process will be to take the issue outside of the meeting to obtain further detail/information relevant to the decision in hand. The issue will then be brought back to the next meeting of the committee with a clear recommendation for approval.*

This alternative mechanism was a considered option when originally discussed with legal advisors. It was not the preferred solution due to the potential for decision-making to become protracted through deferral to a future meeting.

### 2.13 Context of Health and Wellbeing Board and its duties

Health and Wellbeing Boards bring into one forum representatives from health, social services and the local community to decide what the main public health needs of the local population are, and to determine how best to meet them in an integrated and holistic manner.

Health and Wellbeing Boards have a statutory duty to encourage the integrated delivery of health and social care to advance the health and wellbeing of people in their area.

It is within this context that the Commissioning Partnership Board functions in supporting the Health and Wellbeing Board and its Partners in the delivery of those duties.

The following recommendations are made to reflect that context in the Commissioning Board Terms of Reference:

Insert in section 2:

The Commissioning Partnership Board is accountable to the Health and Wellbeing Board for the commissioning of services that meet the main public health needs of the local population and support the integrated delivery of health and social care to advance the health and wellbeing of the people of Oldham.

Change under section 7:

From:

To set the high-level commissioning strategy and health & wellbeing outcomes for the Borough in order to meet assessed population, community and individual need within the financial resources of the pooled funds over which the Commissioning Partnership Board has control.

To:

Support the Health and Wellbeing Board to set the high-level commissioning strategy and health & wellbeing outcomes for the Borough in order to meet assessed population, community and individual need within the financial resources of the pooled funds over which the Commissioning Partnership Board has control.

AND

From:

To provide assurance to NHS Oldham CCG and Oldham MBC for the achievement of the agreed outcomes, commissioning strategies and plans within the available financial envelope.

To:

To provide assurance to the Oldham Health and Wellbeing Board, NHS Oldham CCG and Oldham MBC for the achievement of the agreed outcomes, commissioning strategies and plans within the available financial envelope.

## **2.14 Values and Behaviours of the Commissioning Partnership Board**

Significant deliberation has taken place in establishing the arrangements for Oldham Cares Alliance, Values, Behaviours and Principles have been considered and enshrined in key documents associated with the alliance arrangement.

The following is recommended to be inserted in section 9 to reflect the values and behaviours of the Commissioning Partnership Board as part of that Oldham Cares Alliance governance.

Insert in section 9:

To demonstrate the values and behaviours enshrined in the emerging Oldham Cares Alliance: Collaborate, Cooperate, Open, Transparent, Act in good faith, and learn from each other in working together as a single, integrated high performance team (Single Budget, Single System)

## **3. Options**

(i) Continue with the existing Terms of Reference,

OR

(ii) Amend the Terms of Reference to:

- remove the 'casting vote' and amend as proposed to require further dialogue to reach decision through simple majority;
- Reflect the context of the Health and Wellbeing Board and its duties, and
- Reflect the Values and Behaviours required of the Commissioning Partnership Board as part of Oldham Cares Alliance.

## **4. Conclusions:**

Option (ii) to amend the Terms of Reference is the recommended option.

The common agreement of the Commissioning Partnership Board Terms of Reference by Oldham Council and Oldham CCG members demonstrates the commitment of the partners to the co-operative agenda within the borough.