

Attachment 07

**North East Lincolnshire CCG**

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| **Report to:** | NEL CCG Governing Body |
| **Presented by:** | Cathy Kennedy, Deputy Chief Executive |
| **Date of Meeting:** | 10 March 2016 |
| **Subject:** | Constitution Refresh |
| **Status:** | OPEN  CLOSED |

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| **OBJECT OF REPORT:** |
| To advise the Governing Body of the amendments that has been made to the CCG Constitution during 2015/16  NHSE have replaced the June & November windows for constitutional amendments. An application for constitutional changes can be made at whatever point during the year fits own organisation’s business needs. NELCCG have however made the decision to continue to review the constitution on a bi-annual basis, to ensure we capture any significant changes.  The key changes are listed within appendix one – Schedule of Amendments  Approval of amendments as follows:-  June changes:- CoM 5 May 2015  NHS England – 5 August 2015  *(please note June amendments were presented to the Partnership Board 14 May 2015)*  December changes:- CoM 3 December 2015  NHS England - 12 January 2016. |

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| **STRATEGY:** |
| The CCG constitution underpins all aspects of the Governance of the CCG and hence the delivery of the strategy. |

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| **IMPLICATIONS:** |
| Implications of the individual changes have been advised to, and agreed by, the Partnership Board under its delegated authority as set out in the Scheme of Delegation. |

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| **RECOMMENDATIONS (R) AND ACTIONS (A) FOR AGREEMENT:** | |
|  | The Governing body is asked to note the constitution amendments |
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|  |  | **Yes/**  **No** | **Comments** |
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|  | Does the document take account of and meet the requirements of the following: |  |  |
| i) | Mental Capacity Act | n/a |  |
| ii) | CCG Equality Impact Assessment | n/a |  |
| iii) | Human Rights Act 1998 | n/a |  |
| iv) | Health and Safety at Work Act 1974 | n/a |  |
| v) | Freedom of Information Act 2000 / Data Protection Act 1998 | Yes |  |
| iv) | Does the report have regard of the principles and values of the NHS Constitution?  [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\_113613](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113613) | Yes |  |

**NHS North East Lincolnshire Clinical Commissioning Group Constitution – December 2015**

**Summary of additional amendments**

**Table 1**

|  |  |  |
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| **Page Number** | **Paragraph Reference** | **Summary of change made** |
| 21  27  41  42 | 6.7.3 (ii)  7.5  2.4  2.8  2.9  3.2.3 | Title of vice chair of CoM changed to  Vice Chair (chair elect) |
| 21 | 6.7.3 (viii) | Requirements of secondary care doctor added (as per Health & Social Care act 2012 guidance) |
| 27 | 7.5.1 | Vice chair (chair elect) of CoM- Roles & Responsibilities updated as per Job outline |
| 27 | 7.5.2 | Role progression added as per job outline |
| 30 | 8.1.3 | Members code of conduct added – as agreed at CoM meeting (July 2015) |
| 31 | 8.3 | Declaring & Registering conflict of interest added |
| 32 | 8.4 | Managing Conflict of interest added |
| 32 | 8.5 | Contractors and People who Provide Services to the CCG added |
| 33 | 8.6.3 | Tweaked in-line with our Standards of Business conduct & conflict of interest policy |
| 33 | 8.7 | Failure to disclose conflict of interest added |
| 38 | Appendix B | Updated members practices |
| 41 | 2.4 | Paragraph tweaked in-line with terms & conditions |
| 53 | Appendix D (added) | Code of Conduct & Responsibilities for Members added |
| General amendments have been made to ensure consistency, within main body & appendices | | |
| 30 | 8.2.2 | Tweaked slightly for consistency throughout document |

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| The final draft is embedded below with track changes |

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| In addition to the above, various minor formatting changes have been made to the constitution. Please refer to the table below for breakdown of these changes. | | |
| Contents | Page numbers updated |
| Whole document | All sections formatted for consistency. |

**NHS North East Lincolnshire Clinical Commissioning Group**

**Constitution – June 2015**

**Summary of amendments**

**Table 1**

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| **Page Number** | **Paragraph Reference** | | **Summary of change made** | |
| 46 | Appendix C (5.11.3) | | Slight amendment to wording:- Unless stated otherwise in the Terms of Reference, for all other of the group’s committees and sub-committees including the Governing Body’s committees and sub-committee, voting shall be by a simple majority of those present with each member having a single vote. Deputies shall not vote | |
| General amendments have been made to ensure consistency, within main body & appendices | | | | |
| 24 | 6.8.4 | | Updated review of Terms of Reference for sub-committees of partnership board | |
| 24 | 6.9.3 | | Approved committee change from Governing Body to Council of Member | |
| 45 | Appendix C  (5.9.2) | | Wording updated to ensure consistency within main body of document | |
| 48 | Appendix C  (6.2.1) | | Wording updated to ensure consistency within main body of document | |
| 65 -67 | Appendix H | | Scheme of delegation updated to ensure consistency within main body of document | |
| The final draft is embedded below with track changes | | | | |
| In addition to the above, various minor formatting changes have been made to the constitution. Please refer to the table below for breakdown of these changes. | | | | |
| Section | | Amendment | |
| Contents | | Page numbers updated | |
| 6.7.3 & 6.8.2 | | Numbers did not match committee members – updated accordingly | |