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Attachment 4

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| **Report to:** | NEL CCG Joint Co-Commissioning Committee  |
| **Presented by:** | Julie Wilson, Assistant Director Co-Commissioning |
| **Date of Meeting:** | 16th February 2016 |
| **Subject:** | Terms of Reference – Review |
| **Status:** | [x]  OPEN [ ]  CLOSED |
|  | [x]  Complies with latest CCG Strategy for Primary Medical Services, if not, please give a brief reason why: |

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| **OBJECT OF REPORT:** |
| This report has been prepared to bring to the attention of the Joint Co-Commissioning Committee a number of areas within the current Terms of Reference (ToR) that require review, and to seek agreement on how best to address them. It is also intended to remind members of the requirement to share the minutes within their respective organisations.  |

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| **STRATEGY:** |
| N/A |

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| **IMPLICATIONS:** |
| The CCG has recently had an audit of the Co-Commissioning arrangements. The final report is due in March 2016, but there are a number of areas that have been fed back to the CCG that can be addressed quickly, which relate to the ToR of the Committee. These are as follows:1. The ToR state *‘For matters that relate to the statutory responsibilities of NHS England, the Joint Committee shall reach decisions by a simple majority of votes cast by the members present, but the NHS England member shall have a vote equal to that of all other members (e.g. if 6 other member present the NHS England vote shall be counted as 6) plus a casting vote.’* The membership list also states one NHS England representative (with voting rights), but the local decision has been to have two NHS England reps, both of whom have been voting thus far.

It is proposed that the Committee agrees that there is only one voting member for NHS England from now on who will have a vote as per the ToR; this represents no change to the ToR. This would, however, require the two NHS England representatives to agree their vote in advance of any decisions. 1. The ToR also state that *‘Individual members shall be responsible for ensuring the minutes are presented within their relevant organisations as appropriate’.* Members are reminded to ensure that minutes are appropriately shared.

The primary care triangle lay member has recently resigned. This means that there is no longer a member to fulfil the role of ‘Community Representative from the CCG Accord Membership’. This was added as a local variation to the nationally agreed ToR. It is proposed that as we already have lay membership representation x 2 (from CCG Governing Body and Health and Wellbeing Board), and have additionally invited Healthwatch to attend the meetings, it is not necessary to retain this additional role. In addition, the role of ‘GP Lead for Primary Care Development in NELCCG’ will soon be vacated, as Dr Maliyil will take up the Chair of CoM from April 2016. As Chair of CoM, he will remain on the Committee. It is currently unclear whether there will be a like for like replacement for the GP Lead for Primary Care, so it is proposed to invite the newly elected Vice Chair of CoM to take up the remaining GP membership role, and amend the ToR to reflect this.  |
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| **RECOMMENDATIONS (R) AND ACTIONS (A) FOR AGREEMENT:****The Joint Co-Commissioning Committee is asked to:*** Clarify the voting arrangements for the two NHS England members, such that there is only one NHS England voting member
* Note the requirement for members to share minutes within their respective organisations
* Agree to amend the ToR to remove the additional (locally agreed) lay member role
* Agree to amend the ToR to replace ‘GP Lead for Primary Care Development in NELCCG’ to ‘Vice-Chair of CoM’.
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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 | n/a |
| ii) | CCG Equality Impact Assessment | N | n/a |
| iii) | Human Rights Act 1998 | N | n/a |
| iv) | Health and Safety at Work Act 1974 | N | n/a |
| v) | Freedom of Information Act 2000 / Data Protection Act 1998 | Y |  |
| 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) | Y |  |