

The establishment of a Joint Committee to make decisions on behalf of East and North Herts and Herts Valleys CCG

1. Why are we proposing the formation of a joint committee?

There is provision in legislation for the formation of a joint committee across two or more CCGs to undertake commissioning functions on behalf of those CCGs. Given that East and North Herts and Herts Valleys CCGs have jointly undertaken the “Healthier Future Let’s Talk” consultation, it is logical that the two CCGs hear the outcomes of that consultation and jointly make decisions on the proposals in order to drive a consistent approach across Hertfordshire.

2. What is the legislative background?

In 2014 the government passed a legislative reform order¹ (LRO) that enabled CCGs to establish joint committees to undertake their commissioning functions. This permission is not extended to the functions of the governing body, audit committee or remuneration committee in CCGs.

Joint committees of CCGs are therefore permitted under the terms of the LRO but only for the purposes of CCGs exercising their commissioning functions. In a joint committee, each CCG would nominate its representative member(s) and the committee would have delegated authority to make binding decisions on behalf of each of the CCGs. It requires CCGs to reflect this in their constitutions and the constitutions of both CCGs have previously been amended to allow this delegated authority to take place.

3. Membership and remit of the joint committee

The joint committee will comprise 6 members of each Board / Governing Body and will be held in public.

The role of the Joint committee is the approval of service change proposals following the “Healthier Future Let’s Talk” consultation programme which took place between 6 July and 14 September 2017.

4. Recommendation

The Board of Herts Valleys CCG and Governing Body of East and North Herts CCG are asked to:

- Approve delegated authority to East and North Herts and Herts Valleys Clinical Commissioning Groups Joint Committee to approval proposals for service changes following completion of the “Healthier Future Let’s Talk” consultation programme.
- Approve the terms of reference as drafted below.

East and North Herts and Herts Valleys Clinical Commissioning Groups

DRAFT Joint Committee Terms of Reference

1. Introduction

- 1.1 The East and North Herts and Herts Valleys Clinical Commissioning Groups (the “CCGs”) Joint Committee (the “Joint Committee”) is established in accordance with paragraph 6.6.1 of the East and North Herts Clinical Commissioning Group (“CCG”) constitution and paragraph 8.7 of the Herts Valleys Clinical Commissioning Group (“CCG”) constitution.
- 1.2 These Terms of Reference set out the membership, remit, responsibilities and reporting arrangements of the committee and shall have effect as if incorporated into the constitutions of both CCGs.
- 1.3 The role of the Joint Committee is the approval of service change proposals following the “Healthier Future Let’s Talk” consultation programme which took place between 6 July and 14 September 2017. The consultation asked for the views of residents of Hertfordshire on a number of proposals impacting on local health services.
- 1.4 Individual CCGs will remain accountable for meeting their statutory duties. Each CCG has nominated its representative members and the Joint Committee has delegated authority from each CCG to make decisions which are binding on each CCG.

2. Membership

- 2.1 Each member of the Joint Committee as defined in paragraph 2.2 shall have one vote. The Joint Committee shall reach decisions by a simple majority.
- 2.2 The members of the committee shall be:

East and North Herts CCG (6 members)	Herts Valleys CCG (6 members)
<ul style="list-style-type: none">• Chair• Two other Governing Body GPs• Chief Executive• Lay Member for Governance and Audit• Lay Member for Patient and Public Engagement.	<ul style="list-style-type: none">• Chair• Two other Board GPs• Chief Executive• Lay Member for Governance• Lay Member for Patient and Public Involvement.

2.3 The meeting will be jointly chaired by the chairs of each CCG.

2.4 Representatives in attendance

2.4.1 The following individuals will usually be in attendance:

- Governance leads
- Communication leads
- Public Health consultant
- Healthwatch representative
- Medical Director
- Directors of Nursing and Quality

2.4.2 Any such person shall not be a member of the committee and shall withdraw upon request.

3. Quorum

- 3.1 Four members of each CCG to include at least one GP, one lay member, the chair and chief executive.
- 3.2 No formal business shall be transacted where a quorum is not reached.

4. Frequency of meetings and attendance

- 4.1 There is no minimum number of meetings to be held.
- 4.2 Shall, subject to the application of 4.3, be held in public.
- 4.3 The Joint Committee may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time.
- 4.4 General Disturbances
 - 4.4.1 The Chair of the meeting shall give such directions as they deem fit with regard to the arrangements for meetings and accommodation of the public and representatives of the press such as to ensure that the group's business shall be conducted without interruption and disruption, and without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public will be required to withdraw upon the group resolving as follows:

“That in the interests of public order the meeting adjourn (the period to be specified) to enable the group to complete its business without the presence of the public.”

5. Authority

- 5.1 The committee is authorised by the East and North Herts CCG Governing Body and the Herts Valleys CCG Board to obtain professional advice, including the appointment of external advisor and / or consultants, related to its functions as it deems fit.
- 5.2 The committee shall recommend appropriate action(s) should be taken by the Governing Body / Board in allowing the committee to fulfill its Terms of Reference.

6. Decision Making

- 6.1 Generally it is expected that the Joint Committee meetings decisions will be reached by consensus. Should this not be possible then a vote of members will be required, the process for which is set out below:

a) **Eligibility** – all members of the Joint Committee shall be full and equal members.

b) **Voting** – At the discretion of the person presiding all questions put to the vote shall be determined by oral expression or by a show of hands, unless they direct otherwise or it is proposed, seconded and carried that a vote be taken by paper ballot.

If at least one-third of members present so request, the voting on any question may be recorded to show how each member voted or did not vote except where conducted by paper ballot. If a member so requests, their vote shall be recorded by name;

Under no circumstances may an absent member vote by proxy. Absence is defined as being absent at the time of the vote.

c) **Majority necessary to confirm a decision** – every question put to the vote at a meeting of the Joint Committee shall be determined by a majority of votes of members present and voting on the question.

d) **Casting vote** – In the case of an equal vote, the person presiding shall refer the matter back to the relevant Governing Body / Board for further deliberation.

e) **Dissenting views** – If a member so requests or the person presiding considers it appropriate, a record shall be made of any dissenting views in the minutes of the meeting.

6.2 Should a vote be taken the outcome of the vote, and any dissenting views, must be recorded in the minutes of the meeting.

7. Duties

7.1 The duties of the committee are follows:

- To approve proposals for service changes across Hertfordshire following the “Healthier Future Let’s Talk” consultation.

8. Reporting arrangements to the Governing Body

8.1 The committee will report to the East and North Herts CCG Governing Body and the Herts Valleys CCG Board with a short report and minutes of the committee’s meeting.

9. Reporting arrangements of other Committees and Groups

9.1 Not required.

10. Annual review of the Committee

10.1 Not applicable.

11. Emergency Powers

11.1 Not required.

12. Committee servicing

12.1 The committee shall be supported administratively by corporate governance departments of both CCGs, whose duties in this respect will include:

- Agreement of the agenda with the chair and collation of papers.
- Providing written notice of meetings to committee members, and the papers, not less than 5 working days before the meeting.
- Taking the minutes and keeping a record of matters arising and issues to be carried forward.
- Producing a single document to track the committee’s agreed actions and report progress to the committee.
- Producing draft minutes for approval within 5 working days of the meeting.

Governing Body Approval Date:	21 st September 2017
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ⁱ <http://www.legislation.gov.uk/ukdsi/2014/978011111789>