

DECISION-MAKER:	CABINET		
SUBJECT:	JOINT COMMISSIONING BOARD – TERMS OF REFERENCE REVIEW		
DATE OF DECISION:	20TH AUGUST 2019		
REPORT OF:	DIRECTOR OF QUALITY AND INTEGRATION		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>The Joint Commissioning Board between the City Council and the Southampton City Clinical Commissioning Group was established in July 2017 as a pilot arrangement to allow for arrangements to “bed in” before it went “live” on 1st April 2018. The arrangement provided for further integration between Health and Social Care in the City and to make cooperative decisions on certain agreed functions related to Health and Care. It has now been operating in its “live” format for just over a year and as such it is timely to review the Terms of Reference of the Joint Commissioning Board.</p>			
RECOMMENDATIONS:			
	(i)	To approve the revised Terms of Reference for the Joint Commissioning Board as attached as appendix 1 of the report.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	Joint Commissioning Board has been operating in its “live” format for just over a year and as such it is timely to review the Terms of Reference and to make explicitly clear a couple of points relating to delegations and decision making following a review of practice during the initial operation of the Board.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None		
DETAIL (Including consultation carried out)			
3.	The delegations required to give effect to the working of the Joint Commissioning Board arrangements with the Clinical Commissioning Group and NHS England were approved by Full Council in May 2018 and re-approved in May 2019 as part of the Annual Constitutional Review at the Council’s Annual General Meeting.		
4.	This review of the Joint Commissioning Board Terms of Reference does not affect any of the delegations within the Council’s Constitution and therefore does not require any constitutional changes.		
5.	All Cabinet Members have a delegation within their portfolio responsibilities to “represent the Council on and exercising any functions in relation to any Partnership Boards or Committees to which they are appointed”. This		

	delegation provides for any member of Cabinet to substitute for any of the 3 appointed members of the Joint Commissioning Board if or when necessary.
6.	<p>The Board through its member's delegated decisions exercises Executive Functions, and as such the following requirements apply:-</p> <ul style="list-style-type: none"> • set published meeting dates, to provide advance information on the Council's Forward Plan (28 days before any decision) and CCG's governance arrangements • written reports containing specified information that must be published a set period in advance (5 working days before meeting date) • hold meetings in public • restrictions on taking confidential decisions unless a period of notice (28 days) has been given • requirements around recording and publishing decisions • 'Standstill period' following decisions during which 'Call In' can be exercised by the Council's Overview and Scrutiny arrangements.
7.	It is important to note that where a decision has been published on the forward plan for a particular decision maker and the papers for said decision making meeting have been published it is not possible to amend the forward plan in a timely manner to enable any substitute member to then take that decision on behalf of the original decision maker. If the Forward Plan has not yet been published and 28 days' notice of any change to a key decision can be provided, changes to a decision maker can be accommodated. For non-key decision, changes to a decision maker can be accommodated prior to publication of Agenda papers.
8.	The revised terms of reference also make specifically clear the level of spend that can be approved by decision makers at the Joint Commissioning Board whether by a Cabinet Member or an Officer acting under the Scheme of Delegation. In essence decisions up to £500,000 and which do not have a significant policy or strategic impact are non-key, decisions over £500,000 or where they have a significant policy or strategic impact are key decisions and must comply with all the forward plan and advance publicity procedures. There is an exemption to the Council's Financial Procedure Rules requirement for decisions exceeding £500,000 to be taken to Cabinet. This exemption was agreed at the time of establishment of the Joint Commissioning Board for Cabinet Members taking decisions at the Board enabling them to make decisions up to the Council threshold of £2m but only when all 3 Cabinet Members on the Board are in agreement. Any decision where all three are not in Agreement must be referred to Cabinet or, where a decision is over the £2m threshold, to Council in accordance with the Council Constitution and Financial Procedure Rules.
9.	The revised Terms of Reference for the Board can be found as Appendix 1 of the report with tracked changes. The Terms of Reference have also been submitted to the Clinical Commissioning Group Governing Body for approval.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	Not applicable
<u>Property/Other</u>	
11.	Not applicable.

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	Children and Families Act 2014 – emphasises that a local authority in England and its partner commissioning bodies must make arrangements (“joint commissioning arrangements”) about the education, health and care provision to be secured.
13.	Care Act 2014 establishes requirement for integration of care and health by 2020.
14.	NHS Five Year Forward View 2014 which outlines the future direction for the NHS which requires new partnerships in how care is delivered breaking down barriers between health and social care with more integrated approaches and with patients having far greater control over their own care.
<u>Other Legal Implications:</u>	
15.	Decisions of the Board and the arrangements for the discharge of their functions are subject to and in conformity with the requirements of the Equalities Act 2010, the Human Rights Act 1998 and the Data Protection Act 2018.
RISK MANAGEMENT IMPLICATIONS	
16.	None.
POLICY FRAMEWORK IMPLICATIONS	
17.	Not applicable
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	Not applicable
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Revised Terms of Reference 2019/20
Documents In Members’ Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None