

Primary Care Commissioning Committee

Terms of Reference and Membership

Introduction

1. In accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended), NHS England has delegated to the CCG the authority to exercise certain specified primary care commissioning functions set out in the Delegation Agreement (***held by the Secretary to the Governing Body***).
2. The CCG has established the Primary Care Commissioning Committee (“The Committee”). The Committee will function as a corporate decision-making body for the management of these delegated functions and the exercise of the delegated powers.

Statutory Framework

3. Arrangements made under section 13Z do not affect the liability of NHS England for the exercise of any of its functions. However, the CCG acknowledges that in exercising its functions (including those delegated to it), it must comply with the statutory duties set out in Chapter A2 of the NHS Act and including:
 - Management of conflicts of interest (section 14O)
 - Duty to promote the NHS Constitution (section 14P)
 - Duty to exercise its functions effectively, efficiently and economically (section 14Q)
 - Duty as to improvement in quality of services (section 14R)
 - Duty in relation to quality of primary medical services (section 14S)
 - Duties as to reducing inequalities (section 14T)
 - Duty to promote the involvement of each patient (section 14U)
 - Duty as to patient choice (section 14V)
 - Duty as to promoting integration (section 14Z1)
 - Public involvement and consultation (section 14Z2)
4. The CCG will also need to specifically, in respect of the delegated functions from NHS England, exercise those set out below:
 - Duty to have regard to impact on services in certain areas (section 13O)
 - Duty as respects variation in provision of health services (section 13P)
5. The Committee is established as a committee of the Governing Body in accordance with Schedule 1A of the “NHS Act”.
6. The members acknowledge that the Committee is subject to any directions made by NHS England or by the Secretary of State.

Role of the Committee

7. The Committee has been established in accordance with the above statutory provisions to enable the members to make decisions on the review, planning and procurement of primary care services in Blackpool, under delegated authority to the CCG from NHS England.
8. In performing its role the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and the CCG, which will sit alongside the delegation and terms of reference.
9. The functions of the Committee are undertaken in the context of a desire to promote increased co-commissioning to increase quality, efficiency, productivity and value for money and to remove administrative barriers.
10. The role of the Committee shall be to carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act.
11. This includes the following:
 - GMS, PMS and APMS contracts (including the design of PMS and APMS contracts, monitoring of contracts, taking contractual action such as issuing breach/remedial notices, and removing a contract)
 - Newly designed enhanced services (“Local Enhanced Services” and “Directed Enhanced Services”)
 - Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF)
 - Plan, including needs assessment, primary medical services
 - Decision making on whether to establish new GP practices in an area
 - Approving practice mergers
 - Undertake reviews of primary medical services
 - Evaluating the effectiveness of primary medical services
 - Making decisions on ‘discretionary’ payment (e.g., returner/retainer schemes)
 - Manage the budget for the commissioning of primary medical care services

Membership

12. Core membership:
 - CCG Chairman – Chairman of this Committee
 - CCG Lay Members x 3 (One acting as Vice Chairman of this Committee)
 - Chief Clinical Officer
 - CCG GP Members of the Governing Body x 2 (To be agreed by the GP Members of the Governing Body)
 - Chief Operating Officer – Executive Member of this Committee
 - Chief Finance Officer – Executive Member of this Committee
 - Chief Nurse – Executive Member of this Committee

In attendance:

- Healthwatch Representative
- Local Authority Representative from the Health and Wellbeing Board
- Representative from the Lancashire Coastal Local Medical Committee

13. The Chair of the Committee shall be a Lay Member of the Governing Body of the CCG, appointed by the Lay and Executive Members of the Committee.
14. The Vice-Chair of the Committee shall be a Lay Member of the Governing Body of the CCG, appointed by the Lay and Executive Members of the Committee.
15. A Health Watch representative, a local authority representative from the Health and Wellbeing Board, and a representative from the Lancashire Coastal Local Medical Committee will be invited to join the committee as non-voting attendees.

Quorum

16. The quorum will be no less than half of the voting membership, and must always have a Lay Member and Executive Member majority present.

Committee Meetings – conduct, voting, and frequency

17. The Committee will operate in accordance with the CCG's Standing Orders. The Secretary to the Committee will be responsible for giving notice of meetings. This will be accompanied by an agenda and supporting papers and sent to each member representative three working days before the date of the meeting. When the Chair of the Committee deems it necessary to call a meeting at short notice, the notice period shall be such as the Chairman shall specify.
18. Each member of the Committee shall have one vote. The Committee shall reach decisions by a simple majority of members present, but with the Chair having a second and deciding vote, if necessary. However, the aim of the Committee will be to achieve consensus decision-making wherever possible.
19. Meetings will be held monthly.
20. Meetings of the Committee shall:
 - a. be held in public, subject to the application of 20(b);
 - b. the 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.
21. Members of the Committee have a collective responsibility for the operation of the Committee. They will participate in discussion, review evidence and provide objective expert input to the best of their knowledge and ability, and endeavour to reach a collective view.
22. The Committee may delegate tasks to such individuals, sub-committees or individual members as it shall see fit, provided that any such delegations are consistent with the CCG Constitution's scheme of reservation and delegation, and reflect arrangements for the management of conflicts of interest.

23. The Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions.
24. Members of the Committee shall respect confidentiality requirements.
25. The Committee will present its minutes to NHS England's Area Team, and the CCG's Governing Body for information, including the minutes of any sub-committees to which responsibilities are delegated under paragraph 22 above. The CCG will comply with any reporting requirements set out in its constitution.

Review

26. These Terms of Reference will be reviewed by the CCG at least annually, reflecting the experience of the Committee in fulfilling its functions. NHS England may also issue revised model terms of reference from time to time.

Accountability of the Committee

27. The Committee is accountable for making decisions on the review, planning and procurement of primary care services in Blackpool, under delegated authority to the CCG from NHS England as detailed in Appendix D, Scheme of Delegation and Reservation, of the CCG's Constitution.