

[insert on Local Authority and CCG headed paper]

Integrated Commissioning Group Terms of Reference

1 INTRODUCTION

- 1.1 North Yorkshire County Council (the '**Authority**') and NHS North Yorkshire Clinical Commissioning Group (the '**CCG**') (together the '**Partners**') have agreed to the establishment of an Integrated Commissioning Group (the '**Board**'). The intention of the Board is to facilitate joint decision making in respect of the commissioning of health and social care services that form part of the arrangements under the Section 75 Partnership Agreement in relation to the Targeted Healthy Child Service between the Partners dated [X] (the '**Agreement**').
- 1.2 The Board is not a committee-in common or a committee of the CCG or the Authority.
- 1.3 The Board does not replace the statutory responsibilities of the Authority and the CCG, which continue to exist as independent statutory agencies. However, both Partners wish to ensure that the Board is recognised as the place where the services within scope of the Agreement are jointly monitored by the Partners and decisions relating to the Agreement are made.
- 1.4 The remit of the Board is to review, monitor and assure the arrangements in place between the Partners under the Agreement. This includes but is not limited to:
- 1.4.1 financial arrangements between the Partners; and
 - 1.4.2 continued strategic relevance and alignment of the partnership arrangements.
- 1.5 Decisions relating to service delivery of the emotional health and wellbeing service, as set out in the Services Specification as detailed within Schedule 2 of the Agreement, will be taken outside of the Board forum and are therefore outside of its scope.
- 1.6 It is however recognised that there is a system benefit to the Board and the North Yorkshire Mental Health and Learning Disabilities Partnership Board being aligned (as far as possible, recognising that the governance groups are separate and distinct). This will be enabled by the Board meeting immediately prior to the North Yorkshire Mental Health and Learning Disabilities Partnership Board (i.e. once the Board meeting (Part 1) has formally closed, the North Yorkshire Mental Health and Learning Disabilities Partnership Board will meet (Part 2)).

2 BOARD RESPONSIBILITIES

- 2.1 The Board will be responsible for:
- 2.1.1 overseeing and taking decisions as required in respect of the commissioning of services within scope of the Agreement; and
 - 2.1.2 review and oversight of the arrangements between the Partners under the Agreement.

3 AIMS AND OUTCOMES

- 3.1 The Board, in making decisions, will work to the following aims and intended outcomes of the partnership arrangements:
- 3.1.1 meet the national conditions and local objectives;
 - 3.1.2 create the foundations that empower greater levels of innovation and best practice across North Yorkshire;

- 3.1.3 ensure the collective resources of the Partners are spent on a shared understanding of collective need;
 - 3.1.4 expand and embed the good practice delivered through the COVID-19 pandemic through formalising and strengthening partnership working;
 - 3.1.5 improve prevention of health and care needs arising, early intervention and steps to avoid people's needs from escalating;
 - 3.1.6 remove duplication from the system to improve people's experience;
 - 3.1.7 commission services that build on both individual's strengths and our strengths across the system;
 - 3.1.8 enable cross organisational working that finds solutions to move forward together; and
 - 3.1.9 deliver greater productivity and increased efficiency.
- 3.2 The voting membership of the Board is made up as follows:
- 3.2.1 Commissioning Manager for Health and Inclusion for the Authority;
 - 3.2.2 Consultant in Public Health for the Authority; and
 - 3.2.3 Commissioning Manager for Children & Young People for the CCG.
- 3.3 The following may attend meetings by invitation only and as non-voting members:
- 3.3.1 representatives of the provider of the services and any sub-contractor they may appoint under the commissioning contract;
 - 3.3.2 representatives from NHS Vale of York Clinical Commissioning Group; and
 - 3.3.3 representatives from NHS Bradford and Craven Clinical Commissioning Group.
- 3.4 For the avoidance of doubt, the voting members (as referred to above) is a reference to post holders who may have delegated authority for the purposes of paragraph 8 of these Terms of Reference.
- 3.5 Other members of the CCG or partner organisations may also be invited to attend meetings as required and as agreed by both Partners. Any invited attendee who is not a member or appointed deputy does not have a say in any decision making i.e. their agreement is not required for the Board to make a decision.
- 3.6 The chair of the Board will rotate every 6 months between the Commissioning Manager for Health and Inclusion at the Authority and the Commissioning Manager for Children and Young People at the CGG. The vice chair will be the lead representative of the organisation not chairing the meeting at that time.
- 3.7 Where a member of the Board is unable to attend a meeting, a deputy will be nominated to attend on their behalf by the relevant organisation. Where a deputy is appointed, the relevant Partner will ensure that the deputy has appropriate authority to take decisions as required and that the appointment is recorded in writing and sent to the chair ahead of the scheduled meeting.

4 MEETINGS

- 4.1 Meetings will be held on a 3 monthly basis for the first year of the Agreement with the frequency reviewed at that point. The Board meeting will be convened to take place directly before the meeting of the North Yorkshire Mental Health and Learning Disabilities Strategic Partnership Board.
- 4.2 Meetings may be held and decisions may be taken by electronic means when required.

5 AGENDA SETTING

- 5.1 The agenda will be agreed by the chair of the Board. The agenda will include details of any decisions recommendations to be made by the Board.
- 5.2 The agenda together with any supporting papers will be circulated one week in advance of the meeting to the members.
- 5.3 Administrative support to the Board shall be in accordance with the arrangements set out in paragraph 9 of these Terms of Reference.

6 CHAIR OF MEETING

- 6.1 At any meeting of the Board, the chair, if present, shall preside and the vice chair will preside in the chair's absence.

7 QUORUM & CONFLICTS OF INTEREST

- 7.1 In order for any meeting of the Board to be quorate, there must be at least 1 Authority member and 1 CCG member in attendance.
- 7.2 Members are required to declare any relevant interests at Board meetings where they are in attendance and the chair shall be responsible for managing conflicts of interest that arise in a meeting.
- 7.3 Where a member is required to withdraw from a meeting due to a conflict of interest or for any other reason that does not affect the quorum then the meeting can proceed as normal.
- 7.4 If the quorum falls below the required amount as a result of a conflict of interest, any decision will be discussed but all decisions will be delayed until the next Board meeting.
- 7.5 Where a conflict of interest is identified, the conflict and the action will be recorded in the minutes of the meeting and, where appropriate, the register of interests updated accordingly. Copies of relevant declarations shall be shared with the CCG and/or the Authority.

8 DECISION MAKING

- 8.1 Any resolution must be agreed between the members by consensus and each of the Partners has one vote to be exercised by the officer with the relevant delegated authority. Each of the Partners must ensure that a member with the relevant delegated authority to make the decision in question (in line with its own constitution and scheme of delegation) is present. In circumstances where this is not possible, the decision will be deferred. The Authority will ensure the appropriate approval process is followed in respect of any decisions that constitute Key Decisions (as defined in the Authority's Constitution as amended from time to time).
- 8.2 In order for a resolution to be passed, both votes must be in favour.
- 8.3 Decisions must only be taken after appropriate debate has taken place within the Board forum and when members are satisfied that sufficient feedback has been sought from the public and/or service users, which may involve either engagement or consultation on the issues, or a presentation on the views of services users at the Board meeting as the chair considers appropriate.
- 8.4 In the event that a decision is supported by the representatives of only one organisation the issue shall be adjourned, and the Accountable Officer of the CCG and the Chief Executive of the Authority shall meet to discuss how the disagreement may be resolved, and shall bring the matter back to the next meeting of the Board.
- 8.5 In urgent and exceptional cases only, and where an urgent decision is required prior to the next Board meeting, the Chair will arrange for the notice of the resolution to be determined together with any supporting paper to be sent to members by email. The email will ask for a response to be sent to the

chair by a specified date. Any decisions made in this way will only be valid if the number of responses is greater than or equal to the number required for quorum as required at paragraph 7.1 (above) is met. Responses may be received via email or signed written communication and should be received within the specified timescale and members should clearly state whether they are authorised to vote and if so what their vote is.

- 8.6 If a decision is made using the process outlined at paragraph 8.5 above, the chair, or other individual, as appropriate will retain all correspondence pertaining to the decision for audit purposes and report any decisions made at the next meeting. A clear summary of the issue and decision agreed will be recorded in the minutes of this meeting.

9 REPORTING

- 9.1 The minutes of the Board will be formally recorded.

- 9.2 The Board will be supported by the secretariat of the chair whose duties will include:

- 9.2.1 agreement of the agenda for meetings;
- 9.2.2 collation of papers;
- 9.2.3 taking minutes and keeping a record of matters arising and issues to be carried forward;
- 9.2.4 take steps to ensure quorum; and
- 9.2.5 sending minutes and reports for the Governing Body/Cabinet.

10 AUTHORITY OF THE BOARD

- 10.1 The Board is authorised to investigate any activity within these Terms of Reference and in line with the Board's primary purpose of appropriately managing delegated areas which meet the needs for and on behalf of the local population within the available delegated resources.

11 CONDUCT OF THE BOARD

- 11.1 The Board will conduct its business in line with the Nolan Principles (the seven principles of public life), which follow:
- 11.1.1 selflessness;
 - 11.1.2 integrity;
 - 11.1.3 objectivity;
 - 11.1.4 accountability;
 - 11.1.5 openness;
 - 11.1.6 honesty; and
 - 11.1.7 leadership.

12 DISPUTE RESOLUTION

- 12.1 Should a dispute arise within the Board that cannot be resolved informally within the Board itself, the following processes will be adopted:
- 12.1.1 for disputes that are within the scope of the Agreement, the Board will follow the process set out in Clause 30 (*Dispute Resolution*) of the Agreement.

13 REVIEW OF THESE TERMS OF REFERENCE

- 13.1 The CCG and Authority will jointly undertake a six month review of these Terms of Reference, membership and performance following commencement of the Agreement. Thereafter, an annual review will take place at the end of each Financial Year.

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