

INTEGRATED COMMISSIONING BOARD TERMS OF REFERENCE

The Integrated Commissioning Board was established by NHS Heywood, Middleton and Rochdale Clinical Commissioning Group (HMR CCG) and Rochdale Borough Council (RBC) pursuant to the the NHS Bodies and Local Authorities Partnership Regulations 2000 as amended, and derives its authority and decision-making powers from these two organisations.

The Integrated Commissioning Board was established as a joint committee under the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (as amended) whereby prescribed NHS bodies and local authorities may form a joint committee to take responsibility for the management of partnership arrangements established in accordance with that Order.

The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 provide that where a local authority operates executive arrangements, the terms “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.”

1. Purpose

1. To commission high quality all age health, social care and related services for the people of the Borough of Rochdale in order to meet assessed population, community and individual need, within the financial resources over which the Board has control.
2. To agree the Health, Social care and Well-being commissioning strategies and commissioning outcomes for Rochdale Borough Council (RBC) and NHS Heywood, Middleton and Rochdale Clinical Commissioning Group (HMRCCG) in accordance with the agreed delegations from RBC and HMRCCG.
3. To manage all the pooled budgets established under section 75 of the National Health Service Act 2006.
4. To agree the allocation of resources for the delivery of the integrated commissioning strategies through the use of pooled or aligned budgets from HMRCCG and RBC. This will ensure that the wellbeing, social care and health-related functions of RBC and the prescribed functions of HMR CCG in commissioning health-related services are undertaken.
5. To approve the associated strategic plans and work programmes prepared by the integrated commissioning programme leads
6. To approve integrated workforce development strategies and plans and associated resource allocations.

2. Accountable to

The Integrated Commissioning Board will update the Strategic Place Board on the achievement of outcomes for commissioned services in meeting the agreed objectives and report any concerns that cannot be resolved within the Integrated Commissioning Board to RBC and HMRCCG.

The Integrated Commissioning Board will update RBC and HMRCCG on the performance of the commissioning strategy, its implementation and on the effective use of resources by exception.

Members of the Integrated Commissioning Board who have the delegated accountability on behalf of RBC and HMRCCG to manage the functions of the Board shall be responsible for reporting to their respective bodies any concerns with regard to the functioning of the Board and the capacity of the Board in fulfilling their constitutional or statutory functions.

Executive Decisions made by the Integrated Commissioning Board shall be subject to the Council's overview and scrutiny arrangements, including the eligibility of decisions for call-in and review, and the requirement to attend overview and scrutiny meetings.

To ensure accountability and assurance the Strategic Place Board will be responsible for the creation of sub groups/committees under its remit, including their terms of reference and the Membership of sub groups/committees.

3. Accountable for

The Integrated Commissioning Board shall establish such operational sub-groups as it considers necessary to ensure the delivery of commissioning outcomes. Such sub-groups shall be kept under review to ensure their relevance going forward.

At present these are:

- Quality and Safeguarding Group
- Finance, Performance and Risk Sub Group

4. Operating Principles

The Integrated Commissioning Board will have the following operating principles:

1. Assure the Strategic Place Board on the delivery of commissioning for outcomes identified in the Joint Strategic Needs Assessment (JSNA) and specifically those identified as priority outcomes.
2. Oversee the development and establishment of integrated commissioning arrangements in the Borough, ensuring that the requirements of both HMRCCG and RBC are met, that they are based on best practice, and strategic alignment to the intent of the Greater Manchester Devolution Agreement, and specifically that the Greater Manchester Health and Social Care Partnership, is maintained.

3. Govern the arrangements for all age integrated commissioning providing assurance to HMRCCG and RBC so that their statutory responsibilities are being met, their strategic objectives are being addressed and that their combined resources are being used to best effect.
4. Govern the arrangements with strong clinical assurance and democratic accountability.
5. Be accountable for the achievement of the agreed commissioning strategies and plans on behalf of HMRCCG and RBC.
6. Ensure that the integrated commissioning strategies describe how the outcomes and objectives set out in the s75 Agreements and aligned budget arrangements and the high-level strategic goals and outcomes of HMR CCG and RBC are to be achieved.
7. Be accountable for the commissioning of a Local Care Organisation (LCO) and for the assurance of the effectiveness of the LCO to meet the health, care and wellbeing outcomes/objectives for the borough of Rochdale.
8. Commit the resources within the pooled fund to achieve the objectives of the integrated commissioning strategies, within the level of delegated resources assigned to it.
9. Be responsible for developing a joint financial plan to underpin the overall commissioning strategy and providing direction in relation to investments and savings to be made by both partners.
10. Undertake an annual work-plan within the agreed budget to implement the integrated commissioning strategies. The work-plan will include the priorities for each operational commissioning programme for that year.
11. Set the standards for, and monitor and review the outcomes and performance of all age commissioned services in line with the integrated commissioning strategy and work-plan, identifying areas for improvement and areas of good practice, taking action where any outcomes and performance fall short of requirements
12. Ensure the engagement of stakeholder groups, including service users, patients, carers, providers and community organisations, in the commissioning cycle including where appropriate the co-design of commissioned services, the formulation of the integrated commissioning strategy and the annual work-plan.
13. Hold the Integrated Commissioning Directorate and the individual commissioning teams of the Partners to account for the performance and delivery of commissioning programmes as required by the agreed commissioning plan/strategy, the annual work-plan, and the s75 Agreements.
14. Identify, record, mitigate and manage all risks associated with integrated commissioning, including the maintenance of a risk register which shall be included on the corporate risk registers of both HMRCCG and RBC.

15. Review regular performance and financial monitoring reports and ensure, if required, appropriate actions are taken to ensure annual delivery of expected performance targets and approved schemes within permitted budget for the financial year.

5. Decision Making

The Integrated Commissioning Board is the commissioning body for the services in scope of integrated commissioning. The Integrated Commissioning Board has delegated executive responsibility and may exercise executive decision making for these services.

The Integrated Commissioning Board can, on behalf of the CCG and the Council:

- Commit resources within agreed budgets,
- Decide policy within the scope of services/achievement of strategic aims,
- Commission research or reviews to inform decision making,
- Oversee integrated commissioning action plans.

The Integrated Commissioning Board will provide a quarterly update to the Strategic Place Board providing information on its work.

6. Code of conduct and member responsibilities

All Members of the Integrated Commissioning Board are required to comply with the requirements of the Codes and Protocols of their respective organisations.

With regard to the business being conducted at meetings of the Board, Members of Rochdale Council shall have regard to the Council's Code of Conduct for Councillors and Voting Co-opted Members at Part 5A to the RBC Constitution and shall declare such interests as are required under that Code and shall, where required, withdraw from the meeting.

With regard to the business being conducted at meetings of the Board, Members of HMRCCG shall have regard to Part 8 "Standards of Business Conduct and Managing Conflicts of Interest" of the HMR CCG Constitution and shall declare such interests as are required under that Part and shall, where required, withdraw from the meeting.

In addition, all Members of the Integrated Commissioning Board will commit to the following roles, responsibilities and expectations:

- They make every effort to attend meetings. Substitutes can be sent. Failure to attend three consecutive meetings will lead to a review of their membership.
- Members endorse the collaborative model and work to ensure its achievement.

- They are prepared for the meetings, and have read papers circulated in advance.
- They will represent the views of the group, organisation, and / or partnership that they speak for and they will ensure that Strategic Partnership Board business is reported back to that group, organisation / partnership as required.
- They will be able and willing to make decisions on behalf of the body/ organisation/partnership that they speak for; this must also apply when substitutes are sent.
- They will take forward any actions that they have agreed to develop, and then report back any progress to the group in the timescales agreed.
- Members will adhere to the seven principles of public life. <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

7. Membership and Membership operation

The voting membership of the Integrated Commissioning Board shall comprise an Independent Chair (see section 10) and membership drawn from the HMRCCG and RBC.

RBC

- Leader of the Council
- Cabinet member with responsibility for Adult Services
- Cabinet member with responsibility for Children's Services
- Cabinet member with responsibility for Health and Wellbeing

HMRCCG

- Two lay members
- Clinical Chair
- Clinical lead
- A Healthwatch Rochdale as a non-voting Member.

Substitutes

Substitutes from each of the partner organisations will be permitted, however, membership should be reviewed if a named Board member not attend for 3 consecutive meetings.

Attending Integrated Commissioning Board advisors

The voting membership shall be supported by the following attending Advisors –

- RBC Chief Executive/HMR CCG Accountable Officer
- The Joint Director for Integrated Commissioning

HMRCCG

- Director of Operations / Executive Nurse
- Chair of the Clinical and Professional Advisory Panel
- Chief Finance Officer – Health & Social Care
- Programme Director Strategic Commissioning

RBC

- Director of Children's Services
- Director of Public Health and Wellbeing
- Chief Finance Officer
- Director of Resources
- Assistant Director Legal, Governance and Workforce

Any further persons, including further Officers of HMRCCG and RBC, as the Board consider appropriate

8. Quorum

The quorum shall be any six voting members preferably with three from HMR CCG and three from Rochdale Borough Council.

Where a meeting is inquorate those Members in attendance may meet informally but any decisions shall require appropriate ratification at the next quorate meeting of the Integrated Commissioning Board in order for decisions to be legal/legally binding.

9. Chair

An Independent Chair of the Board will be appointed and will serve no more than 4 years without being reappointed. The process of appointment/reappointment/removal of the Chair will be co-ordinated by RBC Governance Services, via a report from the Accountable Officer to the CCG Governing Body and Council.

The Independent Chair shall comply with the Constitutional requirements of both RBC and HMRCCG and shall declare such interests as are required of either or both partner's process and shall, where required, withdraw from the meeting

The Chair will ensure:

- Meetings are conducted in a fair and transparent business-like fashion.
- Decisions are clear and organisations are accountable.

- Any actions required have a clearly identified lead person to take forward the action, and timescale.
- That a shared culture and language, common purpose and trust are endorsed through a collaborative leadership style.
- The Independent Chair shall vote only to determine a matter in the event of an equality of votes.
- If the Vice-Chair is acting in the capacity of the Chair, they may vote once as a voting Member of the Board and in the event of a split vote may use the Chairs casting vote.

If the Chair or Vice-Chair are not in attendance then a Chair will be appointed from the floor of those voting Members present.

10. Vice-Chair

The Vice-Chair will be appointed on an annual basis at the first meeting of the municipal year and will be elected from the Integrated Commissioning Board voting Membership.

A Vice Chair of the Board shall be appointed on a rotating annual basis between a HMRCCG member and an RBC member to Chair meetings of the Board in the absence of the Chair. The Vice-Chair, when acting as the Chair will for fill all the roles of the Chair.

11. Voting

Decision making will be taken where possible on a collaborative basis, but each Member of the Board will have one vote. The Chair at their discretion can choose to withhold their vote, but in the event of a split decision will have the casting vote.

12. Dispute Resolution

It is recognised that as the Integrated Commissioning Board desire is to reach agreement on any matter by consensus, however if a dispute arises the Chair may refer to the Strategic Place Board for advice.

13. Scrutiny

Executive Decisions of the Integrated Commissioning Board will be subject to formal scrutiny via the Call-in process, normally undertaken by the Health, Schools and Care Overview and Scrutiny Committee, on behalf of the Council.

14. Conflict of Interests

The Integrated Commissioning Board will be bound by the Standing Orders/Standing Financial instructions and Codes of Conduct of both parent bodies. Declaration of interest will need to be made annually and at each meeting of the Board in line with

the agenda. Depending on the topic under discussion and the nature of the conflict of interest appropriate action will be taken and recorded in the minutes.

15. Meetings of the Integrated Commissioning Board

Formal meetings of the Integrated Commissioning Board will be held in public and shall be held on a monthly basis. If the business to be considered involves confidential or exempt business, the Integrated Commissioning Board can resolve to exclude the public during consideration of that business. Meetings where possible will be held on Tuesdays of the relevant month at 3:30pm.

Once a quarter the Committee will hold a development session instead of a Board meeting, with the Chair reserving the right to hold a short Committee meeting prior to a development session if it is required.

16. Meeting Procedure Rules

Formal meetings shall be convened and conducted in accordance with the provisions of the Procedure Rules at Part 4 of the RBC Constitution, particularly the Procedure Rules that provide the statutory basis for the conduct of meetings and business, and with the Standing Orders at Appendix C to the HMRCCG Constitution.

Where the statutory or procedural requirements for the conduct of meetings differ between partners, the option which addresses the statutory position of each partner, or which accords greater public access, shall apply.

The following provisions shall apply to the formal meetings of the Integrated Commissioning Board

- Agenda and reports will be published on the appropriate websites, and made available at least five clear working days prior to the day of a meeting.
- Papers and meetings will be open to the public except in circumstances where confidential and/or exempt matters are likely to be considered.
- Confidential information means information provided by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- Exempt information means;
 - (i) Information relating to any individual
 - (ii) Information which is likely to reveal the identity of an individual
 - (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
 - (iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority
 - (v) Information in respect of which a claim to legal professional privilege

- could be maintained in legal proceedings
- (vi) Information which, if disclosed to the public, would reveal that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
 - (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In all cases, before the public is excluded the meeting must be satisfied that, in all circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 28 days public notice of when Key Decisions, as defined at Part 4B of the RBC Constitution, are to be taken shall be given. In the event of less than 28 days notice being provided, the General Exception or Special Urgency provisions of Part 4B of the RBC Constitution shall apply.
- 28 days public notice of the proposed consideration of business in private shall be given. In the event of less than 28 days notice being provided provisions to permit consideration on grounds of urgency as provided for in Part 4B of the Council's constitution shall apply.
- Executive Decisions taken by the Integrated Commissioning Board shall be subject to the Council's overview and scrutiny arrangements, including the eligibility of decisions for call-in and review, and the requirement to attend overview and scrutiny meetings

17. Integrated Commissioning Board Agendas and work programme

There will be standing items on each agenda these are:

- Declarations of Interest
- Minutes of the Previous Meeting
- Performance – bi monthly
- Savings Programme
- Better Care Fund Quarter updates

18. Co-ordination and Servicing of meetings

The Integrated Commissioning Board will be co-ordinated and serviced by a Senior Member of Governance Services from Rochdale Borough Council, and will:

- Produce a schedule of meetings for the year and publish it.
- Administer, maintain and publish the Integrated Commissioning Board work plan/forward plan of the Board.
- Publish notice of Key Decision and private meetings.

- Arrange suitable venues for meetings (Normally Number one Riverside Rochdale).
- Prepare the agenda, collate reports and produce minutes of each Board meeting.
- Undertake any executive / follow up action arising from meetings.
- Offer the Chair/ Integrated Commissioning Board and Chief Officers constitutional, procedural and general governance advice as and when required.

19. Variation

RBC and HMRCCG may agree from time to time to modify, extend or restrict the remit of the Board. The Terms of Reference will be reviewed annually or sooner at the request of the Chair.

20. Confidentiality

All documents will be shared and made public unless there is a specific legal or confidential reason not to do so. In such cases Members will respect confidentiality in relation to any sensitive information shared in support of the business agenda.

21. Governance and Accountability

The Integrated Commissioning Board is a subcommittee of the Health and Wellbeing Board (now Strategic Place Board) and will be a constituted Committee of the Council under section 102 of the Local Government Act 1972. However the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 will apply to Integrated Commissioning Board.

The regulations relating to Health and Wellbeing Boards make provision for the dis-application and modification of certain enactments relating to local authority committees appointed under section 102 of the Local Government Act 1972, insofar as they are applicable to a Health and Wellbeing Board established under section 194 of the Health and Social Care Act 2012.

The regulations mean that Health and Wellbeing Boards are free to establish subcommittees and delegate functions to them, non-elected members of a health and wellbeing board can vote alongside nominated elected representatives and political proportionality requirements are left to local determination.