



**South West London**  
**Merton Clinical Commissioning Group**  
**Sutton and Merton Borough Team**

## Report to the Merton Clinical Commissioning Group Governing Body

**Date of Meeting: Thursday 22<sup>nd</sup> November 2012**

**Agenda No: 6.4(iii)**

**ATTACHMENT 07a**

<b>Title of Document:</b> Constitution: changes	<b>Purpose of Report:</b> For Agreement
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<b>Executive Summary:</b> This paper outlines amendments that have been made to the Constitution since it was presented to the governing body in September. The changes are for agreement.	
<b>Key sections for particular note (paragraph/page), areas of concern etc:</b>  All changes to the text are provided overleaf in red font.  Substantive additions to the Constitution, such as the establishment of new committees, will be agreed at this meeting at agenda items 6.4 i) and ii)	
<b>Recommendation(s):</b> The Clinical Commissioning Group Governing Body is requested to agree the changes to the Merton CCG Constitution.	

<p><b>Committees which have previously discussed/agreed the report:</b>  Merton CCG Board  Merton Executive Management Committee.</p>
<p><b>Financial Implications:</b>  Assurance on the CCG's ability to fulfil its statutory responsibilities.</p>
<p><b>Implications for the Sutton and Merton Board or Joint PCT Boards:</b>  Assurance on the CCG's ability to fulfil its statutory responsibilities.</p>
<p><b>Other Implications:</b> (including patient and public involvement/Legal/Governance/ Risk/ Diversity/ Staffing)</p>
<p><b>Equality Analysis:</b>   N/A</p>
<p><b>Information Privacy Issues:</b>   N/A</p>
<p><b>Communication Plan:</b> (including any implications under the Freedom of Information Act or NHS Constitution).  The finally agreed Constitution will be in the public domain.</p>

## **Amendments to the Constitution since 27<sup>th</sup> September 2012**

### **Page 19 – Quality Committee - amendments to following paragraphs**

5.4.2 The Quality Committee shall be chaired by the **Governing Body Lay Member with lead for patient and public involvement**, and the duties and responsibilities of the Quality Committee shall include:

5.4.3 making recommendations to the Governing Body as to the quality and safety of the providers from which services have been commissioned by the Governing Body **including safeguarding children and adults**.

### **Page 19 and 20 - Addition of the following paragraphs to describe the Finance Committee and Charitable Funds Committee.**

#### 5.5 Finance Committee

5.1.1 The Governing Body shall establish a Finance Committee. The composition of the Finance Committee shall accord with any published national guidance.

5.1.2 The Finance Committee shall be chaired by a Lay member, and the duties and responsibilities of the Finance Committee shall include:

Review of strategic and operational financial plans and the current and forecast financial position of the CCG, including progress on the QIPP plan.

Review, scrutinise financial reports, business cases and performance report summaries before presentation to the Governing Body.

Providing assurance to the Governing Body and the Audit Committee of the completeness and accuracy of the financial information provided to the Governing Body.

#### 5.6 Charitable Funds Committee

5.6.1. The Governing Body shall establish a Joint Charitable Funds Committee. The composition of the Charitable Funds Committee shall accord with any published national guidance

5.6.2 The Charitable Funds Committee shall be chaired by a Lay member, and the duties and responsibilities of the Charitable Funds Committee shall include

Acting as Trustees for the CCG's Trust Funds, overseeing the day to day management of Charitable Funds on behalf of the Governing Body, and ensuring

Ensure that the accounts of the Charitable Funds are subject to internal and external audit scrutiny and receive reports as appropriate.

Ratify the formal transfer of charitable funds to independent NHS Providers (formerly integral elements of PCT corporate structure) which have achieved NHS Trust status. Such transfers only take place in accordance within the agreed Department of Health and Charity Commission regulatory framework.

**Page 26** - Third Party Engagement/Collaborative Working – amendments

9.1.1. The CCG shall work with the NHS Commissioning Board Authority (NHSCB) to improve the quality of primary care services; ensuring that local service re-design promotes innovation and reducing health inequalities.

9.1.2 The CCG will work in partnership with the NHSCB to improve quality of specialist services.

9.1.3 The CCG will be accountable to the NHS Commissioning Board.

**Page 28** Joint Arrangements -insertion of new paragraph – 9.7

9.7 Joint Arrangements

9.7.1 The CCG has the intention to enter into joint arrangements with the following NHS South West London CCGs via the NHS South West London Clinical Commissioning groups Framework for Collaboration.

- 9.7.1.1 Croydon CCG
- 9.7.1.2. Kingston CCG
- 9.7.1.3 Sutton CCG
- 9.7.1.4. Richmond CCG
- 9.7.1.5 Wandsworth CCG

9.7.2 These arrangements are supported by the South West London CCG Collaboration Framework and a Memorandum of Understanding between those CCGs to ensure opportunities for joint working and learning are maximised.

**Page 59** – Appendix 3: Practice Leads Terms of Reference

**Page 64** – Appendix 5: Audit Committee – terms of reference amended following governing body meeting on 27.09.12

**Page 79** – Appendix 8: Finance Committee Terms of Reference – inserted following the governing body meeting on 27.09.12

**Page 81** – Appendix 9: Charitable Funds Committee Terms of reference – inserted following the governing body meeting on 27.09.12

**Page 83** – Appendix 10: Standing Orders – revised

**Page 95** – Appendix 11: Conflicts of Interest Policy: declaration form – inserted

**Page 112** – Appendix 13: Scheme of Reservation and Delegation - inserted