

**REPORT OF THE LEAD MEMBERS FOR  
ADULT SERVICES, HEALTH AND WELLBEING  
AND  
CHILDRENS' AND YOUNG PEOPLE'S SERVICES**

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**TO**  
CABINET

**ON**  
28 JANUARY 2020

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**TITLE:** PROPOSED AMENDMENT TO THE TERMS OF REFERENCE FOR ADULTS' COMMISSIONING COMMITTEE, CHILDREN'S COMMISSIONING COMMITTEE AND HEALTH AND CARE COMMISSIONING BOARD

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**RECOMMENDATIONS:**

That Cabinet consider and approve a change to the Terms of Reference of the Adults' Commissioning Committee (ACC), Children's Commissioning Committee (CCC) and Health and Care Commissioning Board (H&CCB) in order to reduce the risk of a meeting not being quorate due to the number of voting members required to be in attendance.

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**EXECUTIVE SUMMARY:**

Since the new integrated commissioning governance arrangements were established earlier in the year there have been some instances where meetings have not been quorate due to the number of voting members present.

The report seeks approval of a proposal to reduce the number of voting members required to be in attendance from each of Salford Clinical Commissioning Group and Salford City Council from three to two on each of the Adults' Commissioning Committee, Children's Commissioning Committee and Health & Care Commissioning Board.

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## **BACKGROUND DOCUMENTS:**

NHS Salford Clinical Commissioning Group (SCCG) and Salford City Council (SCC) Partnership Agreement relating to integrated health and care commissioning arrangements.

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**KEY DECISION: NO**

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## **DETAILS:**

### **1 Background**

- 1.1 The Terms of Reference (ToR) of the Health and Care Commissioning Board (H&CCB) and its Committees were approved earlier in 2019/20 as part of the NHS Salford Clinical Commissioning Group (SCCG) and Salford City Council (SCC) Partnership Agreement relating to integrated health and care commissioning arrangements.
- 1.2 It was always intended that the ToR would be formally reviewed by SCC and SCCG by March 2020 as part of a wider governance review in the spring although they may be amended by mutual agreement between both parties at any time to reflect changes in circumstances which may arise.
- 1.3 Following early discussions at the Adults' Commissioning Committee (ACC), and more recently at the Children's Commissioning Committee (CCC), clarity has been sought regarding quorum. The ToR of the H&CCB, CCC and ACC state:  
  
"The Board/Committee will be quorate providing one-third of the voting membership is an attendance, with at least three members present from each of SCCG and SCC."
- 1.4 This appears to contradict itself and is a little confusing for those supporting the meetings about what constitutes a quorum so it is proposed that an amendment is made now, rather than await the wider review so that meetings are quorate and clear decisions can be made. These proposals include the proposed ToR changes and a governance route adopted to approve the changes which were supported by the Integrated Leadership Team.

- 1.5 This paper does not include changes to the Primary Care Commissioning Committee (PCCC) ToR which will be reviewed as part of the CCG's constitution review in January. There have been no instances of inquorate meetings of the PCCC.

## **2 Current Situation**

- 2.1 Although the ToR are working effectively in the main, there have been instances where the quoracy requirements have proved challenging in relation to the SCC membership of the ACC, CCC and H&CCB. Whilst the committees aim to achieve a consensus for all decisions, rather than a vote, a meeting must be quorate in order for a decision to be taken. Although SCCG and SCC have an equal number of members on each of the committees, the 'voting membership' of SCC is restricted to elected members and excludes SCC senior officer members.
- 2.2 In the case of the ACC and CCC there are four SCC voting members so the absence of two or more would render a meeting inquorate and no formal decisions could be taken. As there are seven SCCG voting members the likelihood of five being unable to attend and render a meeting inquorate is considered to be relatively low.
- 2.3 In the case of the H&CCB there are six voting seats allocated to SCC elected members, including to the Deputy City Mayor and to the Lead Member for Children's and Young People's Services. Since the terms of reference were drafted, however, responsibility for Children's and Young People's Services has transferred to the Deputy City Mayor, meaning that, in practice, the maximum number of SCC voting members is five. If three or more elected members are unable to attend, a meeting would be rendered inquorate and no formal decisions could be taken. As there are ten SCCG voting members the likelihood of eight being unable to attend and render a meeting inquorate is considered to be low.
- 2.4 The lack of a quorum at any meeting does not prevent the discussion of items which are included on the agenda for assurance or information purposes.
- 2.5 Three decisions have been taken since May, two at ACC on 11 September:
- Great Places Learning Disability Supported Housing Proposal – Feasibility Assessment, and
  - Additional Care Home Fees for Hospitality Charges Above Care Requirements
- 2.6 There were eight out of 11 voting members present and at least three members present from each of SCCG and SCC. Therefore it was suggested that the meeting was quorate as one-third on the voting membership was in attendance, however, the three members from each of the SCCG and SCC were not all voting members, which we now understand was the intent. At that meeting apologies were received from two of the SCC voting members but

both of them had attended the Lead Member briefing and no particular concerns or comments had been raised about either item.

- 2.7 The other decision was taken at CCC on 24 July – to approve the service model for the proposed redesign of Salford Children’s Services – and this meeting was also quorate.
- 2.8 Non-voting and voting members from both SCCG and SCC take their role and responsibilities as committee members very seriously and endeavour to attend meetings as regularly as possible. Inevitably however, as senior representatives of their respective body, there are occasions when members cannot attend due to other unavoidable work or personal commitments, or sickness. Given the existing heavy committee workload that members already have, it would not seem prudent to recommend that member representation on any of the commissioning committees be increased, nor that existing members nominate substitutes to attend in their place, even though this is provided for in the ToR of the ACC and CCC. This is not permitted for H&CCB.

### **3 ToR Changes**

- 3.1 It is considered that a reduction in the number of members required to be present from each of SCCG and SCC is a pragmatic approach which would reduce significantly the risk of a meeting being rendered inquorate.
- 3.2 Cabinet is therefore requested to agree to a proposal to amend the terms of reference for each of the ACC, CCC and H&CCB to read:

‘The Committee will be quorate providing ~~one third of the voting membership is in attendance, with~~ at least two voting members are present from each of SCCG and SCC.’

### **4 Governance Route**

- 4.1 ACC, CCC and H&CCB are all supportive of the proposed amendment to their ToR and endorsement is now being sought from SCC Cabinet and SCCG Governing Body.
  - 4.2 Subject to this endorsement, the ToR of the ACC, CCC and H&CCB will be amended accordingly. It is not thought that this amendment of these ToR would require a corresponding amendment of any other provision of the Partnership Agreement, nor that it would create any conflict or inconsistency with any other provision of the Partnership Agreement.
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## **KEY COUNCIL POLICIES:**

NHS Salford Clinical Commissioning Group (SCCG) and Salford City Council (SCC) Partnership Agreement.

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## **EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:**

N/A

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## **ASSESSMENT OF RISK:**

Medium – there are a number of business cases and other decisions on the 2019/20 and 2020/21 committees' work programmes. Meetings at which these decisions are to be made need to be quorate. A reduced quorum requirement will significantly reduce the risk of meetings being rendered inquorate.

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## **LEGAL IMPLICATIONS Supplied by:** Peter Hassett, Legal Services

The terms of reference of the Health and Care Commissioning Board, Children's Commissioning Committee and the Adults' Commissioning Committee are set by the Partnership Agreement agreed between the Council and the Salford CCG (Schedule 7).

Schedule 5 of the Partnership Agreement provides that the Governing Body of the CCG and the Salford Elected City Mayor jointly have the power to vary the Partnership Agreement, including the terms of reference of the three bodies referred to above.

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## **FINANCIAL IMPLICATIONS Supplied by:** N/A

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## **PROCUREMENT IMPLICATIONS Supplied by:** N/A

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## **HR IMPLICATIONS Supplied by:** N/A

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**CLIMATE CHANGE IMPLICATIONS Supplied by: N/A**

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**OTHER DIRECTORATES CONSULTED: N/A**

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**WARDS TO WHICH REPORT RELATES: N/A**