

AGENDA

West Leicestershire Clinical Commissioning Group
Extra-ordinary Public Board Meeting (Number 98)
Tuesday 9th April 2019, 12.30
Board Room, West Leicestershire Clinical Commissioning Group Headquarters,
Woodgate, Loughborough, Leicestershire, LE11 2TZ

Chair: Professor Mayur Lakhani

Standing Agenda Items

		Action	Lead	Paper	Time
WL/19/059	Apologies for Absence:	To receive	M Lakhani		
WL/19/060	Report from Conflicts of Interest Screening Panel held on 9 th April 2019	To receive	S Churton	Verbal	
WL/19/061	Ratification of Board decisions from 24 th May 2018 Extraordinary meeting and 11 th September 2018 public and confidential meeting	To approve	K Chudasama	A	

Date of Next Meeting: The next WLCCG Board meeting will be:

Tuesday 14th May 2019, time tbc, Boardrooms, West Leicestershire Clinical Commissioning Group Headquarters, Woodgate, Loughborough, Leicestershire, LE11 2TZ

**WEST LEICESTERSHIRE CLINICAL COMMISSIONING GROUP
BOARD MEETING**

09 April 2019

Title of the report:	Ratification of Governing Body decisions during 2018/19
Section:	Governance
Report by:	Stuart Fletcher – Head of Corporate Governance
Presented by:	Ket Chudasama – Director of Performance & Corporate Affairs

Report supports the following West Leicestershire CCG's goal(s):			
Improve health outcomes	✓	Improve the quality of health-care services	✓
Use our resources wisely	✓		

Equality Act 2010 – positive general duties:
1. The CCG is committed to fulfil its obligations under the Equality Act 2010, and to ensure services commissioned by the CCG are non-discriminatory on the grounds of any protected characteristics.
2. The CCG will work with providers, service users and communities of interest to ensure if any issues relating to equality of service within this report are identified and addressed.

Additional Paper details:	
Please state relevant Constitution provision	Section 6: Duty to report non-compliance with standing orders and prime financial policies stipulates.
Please state relevant Scheme of Reservation and Delegation provision (SORD)	N/A
Please state relevant Financial Scheme of Delegation provision	N/A
Please state reason why this paper is being presented to the WLCCG Board	To ask the Governing Body to ratify the decisions made on those occasions where it has not been quorate.
Discussed by	N/A
Alignment with other strategies	N/A
Environmental Implications	None Identified
Has this paper been discussed with members of the public and other stakeholders, if so please provide details	No

EXECUTIVE SUMMARY:

1. The purpose of this report is to ask the Governing Body to ratify the decisions made on those occasions where it has not been quorate during 2018/19.
2. During a recent audit undertaken by 360 Assurance, we were informed that whilst the CCG was quorate in line with the Board Terms of Reference (ToR) a review of the CCG attendance from April 2018 to January 2019 against the quoracy requirements of the Board as per the Constitution, identified the following exceptions:
 - May 2018 (extraordinary confidential meeting)
 - only three GPs from three Localities were present and not four GPs as required by the Constitution.
 - September 2018 (public and confidential meeting)
 - only three GPs from three Localities were present, and not four GPs as required by the Constitution.
3. The audit undertaken by 360 Assurance covered the period from April 2018 to January 2019; however, the CCG was quorate for the February and March Governing Body meetings.

RECOMMENDATIONS:

West Leicestershire CCG Board is asked to:

RATIFY the decisions of the Governing Body outlined in in Table 1 on:

- 24 May 2018 Extraordinary confidential Governing Body meeting
- 11 September 2018 – confidential meeting
- 11 September 2018 – public meeting

AGREE that a virtual PIC will be arranged with the members to ratify the decision made at the September meeting in respect of the Extended Access approval of the service specification pilot.

AGREE to receive and approve the updated Board ToR at the next Governing Body meeting.

**WEST LEICESTERSHIRE CLINICAL COMMISSIONING GROUP
BOARD MEETING**

09 April 2019

Ratification of Governing Body decisions during 2018/19

Purpose

1. The purpose of this report is to ask the Governing Body to ratify the decisions made on those occasions where it has not been quorate.
2. During a recent audit undertaken by 360 Assurance, we were informed that whilst the CCG was quorate in line with the Board ToR, a review of the CCG attendance from April 2018 to January 2019¹ against the quoracy requirements of the Board as per the Constitution, identified the following exceptions:
 - May 2018 (extraordinary confidential meeting)
 - only three GPs from three Localities were present and not four GPs as required by the Constitution.
 - September 2018 (public and confidential meeting)
 - only three GPs from three Localities were present, and not four GPs as required by the Constitution.
3. The audit undertaken by 360 Assurance covered the period from April 2018 to January 2019; however, the CCG was quorate for the February and March Governing Body meetings.

Why this has happened

4. Following a review of the Board ToR and the constitution, the quoracy (and therefore the voting) requirements differ between the two documents. The main discrepancy relates to GP representation on the Governing Body from the Localities within the CCG. This is outlined as follows:

a) Board ToR provides that:

“In order for meetings of the WLCCG Board to be quorate, there must be present at least the GP Chair or Vice Clinical Chair and at least one GP representative from at least three of the Localities within the CCG, plus at least one Lay Member and one management representative member. “

b) Constitution: Appendix C – Standing Orders

Meetings of the governing body shall be quorate provided there are not less than nine voting members present, including the GP Chair or Deputy Chair (unless absent due to a

¹ in total 18 meetings – both public and confidential

*conflict of interest) and at least four GP representatives, representing at least three of the Localities ('Locality Leads') within the CCG, plus at least one Lay Member and one management representative member.*²

5. To ensure the CCG continues to adhere to good governance, legal advice was sought to clarify the position of the Board ToR alongside the quoracy requirements outlined with the CCG constitution and this has stated that the the constitution takes precedence over the Board ToR.
6. It has also been noted that there has been a number of gaps and changes around the Locality Leads in post, such as:

Hinckley & Bosworth

Dr Willmott retired as Locality Lead on 30 June 2017, with Dr Ogle appointed on 1 June 2017. Dr Jackson subsequently left his position as Locality Lead on 30 September 2017 and therefore there has only been one Locality Lead for Hinckley and Bosworth until Dr Kothari was appointed in September 2019 and started as Locality Lead as from this date.

North Charnwood

Since January 2018, Dr Hanlon has been the only available GP for the North Charnwood Locality.

South Charnwood

Dr Barlow left his position as Locality Lead at the end of June 2018. Dr Abdulmajid was appointed in August 2018 and started as the South Charnwood Locality Lead as from September 2018.

7. In addition, due to the reduction to the number of GP clinical sessions this year, it has made it difficult to reach full Governing Body attendance during the year.

Next steps – ratification of May and September Governing Body meetings

8. In accordance with the CCG's constitution³, if for any reason the constitutions' standing orders are not complied with, details and reasons for the non-compliance are to be reported to the next formal meeting of the governing body for action or ratification.⁴
9. To support good governance and in consideration of legal advice, the recommendation is to ask the Governing Body (convened as per the constitution's quoracy requirements) to ratify the decisions previously taken by the Governing Body (outlined in Table 1) that has been convened in accordance with the Board ToR for 2018/19.

² Refer to Section 3 Meetings of the Governing Body, see subsection 3.6 Quorum

³ Section 6: Duty to report non-compliance with standing orders and prime financial policies stipulates

⁴ See subsection 6.1

Table1

Governing Body Meeting	Items agreed that requires ratification
Extraordinary confidential Governing Body meeting - 24 May 2018	<p>WL/18/086 - Grant Thornton Audit Findings – Year Ending 31 March 2018</p> <p>WL/18/087 - Annual Accounts 2017-18 and Letter of Representation</p> <p>WL/18/088 - Annual Report 2017/18 (including the Annual Governance Statement)</p>
Public Governing Body meeting - 11 September 2018	<p>WL/18/167 - Report from Conflicts of Interest Screening Panel held on 11 September 2018</p> <p>WL/18/169 - Minutes of the meeting held on 14 August 2018</p> <p>WL/18/174 - Extended Access – Approval of the Service Specification for the Pilot Services (delegation to PIC)</p> <p>WL/18/175 - Futures in Mind Programme</p> <p>WL/18/176 - Provider Performance Assurance Group (PPAG) Summary Report and Terms of Reference</p> <p>WL/18/177 - Competition and Procurement Committee (CPC) Terms of Reference</p>
Confidential Governing Body meeting - 11 September 2018	<p>WL/18/122 - Report of the Conflict of Interest Panel</p> <p>WL/18/123 - Minutes of the confidential Board meeting held on 10 July 2018</p> <p>WL/18/129 - Business Case on the Reconfiguration of Acute and Maternity Services at UHL.</p>

10. Acknowledging that some of the above meetings have also met in confidence, the excerpts of all the relevant minutes have been circulated ahead of the Governing Body meeting.

Next steps – Procurement & Investment Committee

11. It is also noted that the decision to delegate the final decision to the September Procurement & Investment Committee (PIC) by the Governing Body was not per the constitution's quoracy requirements. Nonetheless, the September PIC was appropriately convened in accordance with its ToR.

12. To ensure that all associated decisions flowing from the Governing Body meetings where the Governing Body was not quorate, it is recommended that following the ratification of the September Governing Body delegation to PIC, a virtual PIC will be arranged with the members. This will be to ratify the decision made at this meeting in respect of the Extended Access approval of the service specification pilot. This will help ensure that ratification flows through the decision taken by the Governing Body.

Going forward

13. To make sure that the CCG continues to be quorate as per the constitutions' standing orders, it is proposed that the CCG updates its Board ToR to align with the quoracy requirements detailed in the constitution.

14. The Board planning procedures have already been updated so that constitutional quoracy requirements are applied consistently.

15. We will continue to work closely with 360 Assurance and keep them updated in taking this matter forward.

RECOMMENDATIONS:

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AGREE to receive and approve the updated Board ToR at the next Governing Body meeting.