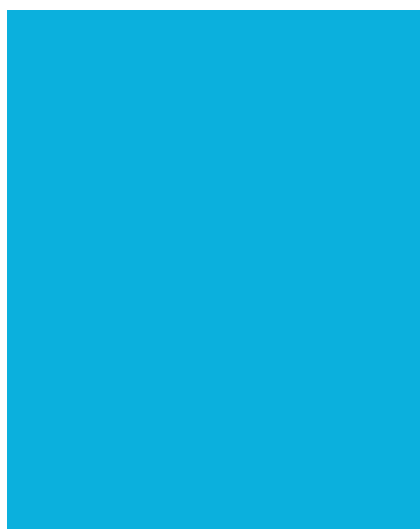


Supporting material for
clinical commissioning
groups

Technical appendix 2



Supporting material for clinical commissioning groups

Technical appendix 2

First published: 2 February 2012

Contents

This technical appendix has been produced to support, and should be read in conjunction with, Towards establishment: Creating responsive and accountable clinical commissioning groups.

It provides links to a number of additional resources which should be useful for emerging clinical commissioning groups looking to establish good governance processes within their new organisations.

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Section 1: Available supporting material on governance

July 2011

National Leadership Council (NLC) development tool on good governance

A development tool on key elements of good governance, commissioned from the NLC with the NHS, Foresight Partnership Ltd and NIHR King's Patient Safety and Service Quality Research Centre, complemented by a literature review and a set of case studies drawn from practice based commissioning - available as web based documents.

<http://www.nhsleadership.org/workstreams-commissioning-governance.asp>

August 2011

Self-Assessment Diagnostic Tool

Co-produced with the NHS, this interactive self-assessment tool allows emerging clinical commissioning groups (CCGs) to reflect upon their values, culture, behaviours and wider organisational health. The tool enables emerging CCGs to identify for themselves their development needs. Whilst it includes some of the key areas that are likely to be required for authorisation (including developing sound governance arrangements), it also provides emerging CCGs with insight into how they can create vibrant organisations that can continually improve beyond the point of authorisation.

<http://healthandcare.dh.gov.uk/diagnostic-tool-for-emerging-clinical-commissioning-groups/>

September 2011

Developing clinical commissioning groups: Towards authorisation

The document sets out current thinking to help emerging clinical commissioning groups (CCGs) consider the steps towards authorisation. It describes the processes that may need to be in place to ensure that CCGs are highly effective, with the leadership and confidence to discharge their healthcare and financial responsibilities.

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130293

Guidance on the Delegation of Commissioning Responsibilities

Co-produced with the NHS, this guidance supports emerging CCGs to improve clinical and financial outcomes before authorisation, take full responsibility for commissioning decisions, develop their organisations to deliver practical outcomes, and build a track-record in preparation for authorisation.

<http://healthandcare.dh.gov.uk/delegation/>

Guidance on the legal status of Clinical Commissioning Group pathfinders

Guidance to provide clarification on the legal status of CCG Pathfinders/emerging CCGs relating to: the legal status of CCGs, once they are established under the proposed legislative framework in the Health and Social Care Bill, and the legal status of CCG pathfinders or emerging CCGs and the implications for issues such as employment of staff.

<http://healthandcare.dh.gov.uk/delegation/>

September 2011 continued

Interim governance arrangements for pathfinder Clinical Commissioning Groups

As a precursor to a model CCG constitution, NHS North East worked with local pathfinder CCGs to co-produce interim governance arrangements, within the current legislative framework. The guidance is designed to support the delegation of commissioning decisions to a “Pathfinder Committee” or equivalent, operating as a sub-committee of a PCT.

<http://healthandcare.dh.gov.uk/interim-governance/>

Other useful resources

NHS Information Governance Toolkit

The Information Governance Training Tool (IGTT) is an online training resource that enables organisations to meet annual training requirements mandated for all of the public sector by government. Each CCG staff member can register an account, complete individual training and obtain certificate(s). There are currently over half a million user accounts across the NHS and organisations that support health and social care in UK.

<https://www.igte-learning.connectingforhealth.nhs.uk/igte/index.cfm>

The IGTT is also home to a library of guidance and exemplar materials, including recently published guidance on Effective Management of Records during a period of transition or organisational change. This guidance provides advice on how to plan and approach the management of records during transition as well as FAQs, a flowchart to support decision making, details of where to find further information on how to manage records, and retention schedules broken down by SHA and PCT record types.

<https://www.igt.connectingforhealth.nhs.uk/NewsArticle.aspx?tk=408386804946865&Inv=1&cb=3198dfda-623e-4671-8b21-ca08edaf1f82&artid=81&web=yes>

November 2011

Equality Delivery System (EDS)

Developed by NHS East Midlands, the EDS supports NHS organisations to drive up equality performance and embed equality into mainstream NHS business. It has been designed to help NHS organisations, in the current and new NHS structures, to meet the requirements of the public sector Equality Duty. The EDS will also support NHS organisations to meet the equality aspects of the NHS Constitution, the NHS Outcomes Framework, Care Quality Commission's Essential Standards, and the Human Resources Transition Framework. The EDS will be a key mechanism through which the NHS delivers its commitment to local transparency on performance, doing so through the active involvement of staff and the public in the setting of objectives and monitoring of performance for equality.

<http://www.eastmidlands.nhs.uk/about-us/inclusion/eds/?locale=en>

Section 2: Forthcoming supporting material on governance

February 2012

Model Constitution for a Clinical Commissioning Group

A co-produced model constitution that emerging CCGs can use to assist them fulfil their legal requirement to have a constitution as set out in the Health and Social Care Bill. It confirms that each CCG's constitution will need to cover:

- how they will discharge their functions,
- how they will establish their governance arrangements, including those needed to manage conflicts of interest,
- and the key processes for decision-making, operational management and engagement.

A constitution will form part of an emerging CCG's evidence in their application for authorisation.

Leadership role outlines, development and assessment processes

Co-produced with the NHS, role outlines for the specified leadership positions within CCG's Governing Bodies setting out expectations of the competencies required. The supporting material will also include information about proposed development and assessment processes for specific roles and the appointment offer to help emerging CCGs recruit to other specific Governing Body roles.

February 2012 (continued)

Other supporting material

The following documents, co-produced with the NHS and building on examples of best practice:

- Model Scheme of Delegation, Standing Orders and Standing Financial Instructions,
- Sample 'Terms of Reference' for key committees (Audit, Remuneration, Quality)
- Model templates for declaration of interests for service providers/bidders and members/employers together with a model register of interests (will be made available in February 2012 as part of Technical Appendix 1 Managing Conflicts of Interest)

In addition, case studies of emerging CCG locality arrangements and linked supporting documentation will be made available from Spring 2012.

March 2012

Update of "The Functions of Clinical Commissioning Groups – A Working Document"

The original document (published in March 2011) set out for CCGs the legal requirements that would be placed on them subject to the passage of the Health and Social Care Bill. This revised version will update the 2011 publication in light of the Bill's further passage through Parliament.

Code of Conduct

A co-produced Code of Conduct to assist CCGs when they commission services from GP practices, setting out additional safeguards required to ensure maximum transparency and probity and provide reassurance that commissioning decisions have been made fairly and in the best interests of patients. It will also cover how the system can be assured that these extra services are not part of the "core" primary medical services contract.

March 2012 (continued)

Procurement guidance for clinical commissioning groups

A suite of documents to support CCG procurements, including "how to" guides on market analysis, service review and service specification, advertising tenders, and ensuring good governance.

March/April 2012

Draft Guidance on Authorisation

The document setting out the detail of the process, how it will be conducted, and the requirements for emerging CCGs as they progress through the authorisation process. This is being developed with emerging CCGs and stakeholders. Final guidance will be issued once the Health and Social Care Bill has Royal Assent and the secondary legislation has come into force.

Section 3: Extract from the NHS Operating Framework 2012/13 (p26)

Clinical commissioning groups

PCT clusters must:

- support all CCGs in making progress to full authorisation by the NHS Commissioning Board;
- support exploration and the development of commissioning support offers from a range of suppliers, which might include the independent sector, voluntary organisations and local authorities, that will be responsive to the needs of CCGs;
- establish an effective transition to the NHS Commissioning Board for a common model for commissioning services for which the NHS Commissioning Board will be directly accountable;
- prepare for formal transfer of staff to the new commissioning architecture;
- demonstrate that they are allocating both non-pay running costs and staff to support emerging CCGs, commensurate with the level of budgets for which emerging CCGs have delegated responsibility; and
- work with GP practices to undertake a full review of practice registered patient lists, ensuring patient anomalies are identified and corrected by March 2013.

SHA clusters will be held to account for the delivery of plans to support the development of the new commissioning architecture, whether for the establishment of CCGs, commissioning support or the transfer of commissioning responsibilities to the NHS Commissioning Board.

Further supplementary planning guidance for 2012/13 has been published by the Department of Health on the DH website:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_131974

Section 4: Other key background and source material

Clinical Governance: In the new NHS (NHS Executive, March 1999)

http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Healthservicecirculars/DH_4004883

Committee on Standards in Public Life – Including the seven ‘Nolan’ principles of public life

<http://www.public-standards.gov.uk>

Delegation of Commissioning and Legal Status of Emerging Clinical Commissioning Groups

https://www.wp.dh.gov.uk/healthandcare/files/2011/09/20110824-dear-colleagues-clarification-note_gateway16529.pdf

Developing clinical commissioning groups: Towards authorisation (Department of Health, September 2011)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130293

Good Medical Practice (General Medical Council, 2009)

http://www.gmc-uk.org/Good_Medical_Practice_0510.pdf_32611016.pdf

Government Response to the NHS Future Forum Report (Department of Health, June 2011)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_127444

Health & Social Care Bill (HL Bill 119) (2010-11)

<http://services.parliament.uk/bills/2010-11/healthandsocialcare/documents.html>

Integrated Governance Handbook: A handbook for executives and non-executives in healthcare organisations (NHS, February 2006)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4128739

Integrated Governance: A guide to risk and joining up the NHS reforms (Good Governance Institute and HFMA March 2011)

<http://www.hfma.org.uk/publications-and-guidance/publicationitem.htm?publicationid=46&catid=2>

Interim Governance Arrangements for Pathfinder Clinical Commissioning Groups (NHS North East & Humber, November 2011)

<http://healthandcare.dh.gov.uk/interim-governance/>

NHS Audit Committee Handbook (May 2011)

<http://www.hfma.org.uk/publications-and-guidance/publicationitem.htm?publicationid=52&catid=2>

The Good Governance Standard for Public Services (OPM and CIPFA, 2004)

http://www.cipfa.org.uk/pt/download/governance_standard.pdf

The NHS Constitution: The NHS belongs to us all (NHS, March 2010)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113613

Operational Guidance to the NHS: Extending patient choice of provider (Department of Health, July 2011)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_128455

Principles and Rules for Cooperation and Competition (NHS & Department of Health, July 2010)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_118221

Procurement Guide for Commissioners of NHS-Funded Services (NHS & Department of Health, July 2010)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_118218

The Healthy NHS Board: principles for good governance, National Leadership Council, February 2010

<http://www.nhsleadership.org/workstreams-top-nhshealthyboard.asp>

The NHS Foundation Trust Code of Governance, Monitor, April 2010

<http://www.monitor-nhsft.gov.uk/home/our-publications/browse-category/guidance-foundation-trusts/mandatory-guidance/code-governance->

The Operating Framework for the NHS in England 2011/12

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_131360

The Operating Framework for the NHS in England 2012/13

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_131880

Governing the NHS: a guide for NHS boards, DH and Appointments Commission, 2003

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4082638

