

Terms of Reference

Commissioning Committee

File name: NHS England Commissioning Committee Terms of reference 2018 Final v1.0

Directorate: Strategy and Innovation

Document reference

Owner NHS England Board

Status Final

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1.0

Version issue date

24/05/2018

Document management

Revision history

Version	Date	Summary of changes
0.1	22/01/2018	2017 version put in revised corporate template
0.2	24/01/2018	Comments from Board Governance Team
0.3	01/03/2018	Updated to accept above comments and planned changes to Committee membership in 2018
0.4	05/03/2018	Updated to accept comments from the Director of Commissioning Policy and the Head of Commissioning Policy Unit
0.5	13/03/2018	Updated to reflect comments from in-coming Chair of the Committee and Board Governance Team
0.6	14/03/2018	Updated to reflect edits from Head of Commissioning Policy Unit on new text to reflect NHS England and NHS Improvement joint finance advisory group
0.6	05/04/2018	vO.6 as approved at 28 March 2018 Commissioning Committee
Final	23/05/2018	V0.6 as ratified by the NHS England Board

Approved by

This document must be approved by the following people:

Name	Date	Version
NHS England Board	23 May 2018	Final

Related documents

Title	Owner	Location
Scheme of Delegation	Chief Financial Officer	https://www.england.nhs.uk/wp-content/uploads/2017/07/pol-0002-scheme-of-delegation-v7.3.pdf

Document control

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1. Purpose

The Board has established a Commissioning Committee as a committee of the Board to support them in their responsibilities for issues on the oversight, assurance and development of the commissioning system; the development and implementation of strategy for the commissioning sector; agreeing commissioning priorities and resource allocation, and receiving assurance that performance, quality and financial outcomes are delivered.

2. Duties and Responsibilities

As outlined in the [NHS England Scheme of Delegation](#) the Commissioning Committee will advise the Board and Accounting Officer on:

Section 15

Scheme of Delegation of Statutory Functions, Duties and Powers in respect of Clinical Commissioning Groups

Reference: NHS Act 2006	Functions, Duties and Powers:
Section 14B & Regulations	<ul style="list-style-type: none">Consider applications for the establishment of CCGs.
Section 14C & Regulations	<ul style="list-style-type: none">Determine applications under section 14B NHS Act 2006.
Section 14G	<ul style="list-style-type: none">Consider and determine applications for merger by two or more CCGs.
Section 14H	<ul style="list-style-type: none">Make decisions on whether to dissolve one or more CCGs.

Section 22 Functions, Duties and Powers Delegated by the Board to Committees

Committee:	Functions, Duties and Powers:
Commissioning Committee	<ul style="list-style-type: none">The authority to make decisions on the exercise of statutory powers in respect of Clinical Commissioning Groups, including making decisions on intervention

The committee will on behalf of the Board:

- Oversee development and implementation of strategy for the commissioning sector
- Oversee financial planning and performance for NHS England and the Commissioning System
- Support the NHS England and NHS Improvement Joint Finance Advisory Group (JFAG) through :
 - oversight of the delivery of efficiency savings
 - providing the formal NHS England decision making route on matters arising from the JFAG

- Set the service and financial policy framework for commissioning, to ensure robust planning is in place so services are patient focused and clinically led, and managed within budget
- Review and agree changes to individual elements of the financial policy framework for the commissioning sector
- Agree in-year commissioning resource prioritisation
- Assure in-year financial performance and risk appraisal including the commissioning sector, central running, programme costs and reserves
- Seek assurance there are robust systems and processes in place for monitoring and assuring the performance and quality of directly commissioned services, engaging with patients and the public as required, and driving for continuous quality improvement
- Receive assurance that required quality, performance and financial outcomes are delivered, with associated risks identified and mitigated
- Oversight of national agreements with other parties
- Receive and assure reports from groups whose activity falls under the remit of the Committee
- Oversee assurance of CSUs and ensure that they are fit for purpose to deliver high quality services.

3. Membership

The following members of the Commissioning Committee have been appointed by the Board.

Name	Position
Wendy Becker (Chair)	Non-executive Director
Lord Victor Adebowale	Non-executive Director
Noel Gordon	Non-executive Director
Michelle Mitchell	Non-executive Director
Paul Baumann	Chief Financial Officer
Professor Jane Cummings	Chief Nursing Officer
Ian Dodge	National Director: Strategy and Innovation
Professor Stephen Powis	National Medical Director
Simon Stevens	Chief Executive
Matthew Swindells	National Director: Operations and Information
Richard Barker	Regional Director, North of England
Dr Amanda Doyle	CCG representative (Chief Clinical Officer, Blackpool CCG and Co-Chair NHS Clinical Commissioners)

Attendees

The following individuals will attend as appropriate to provide advice, support and information but are not members of the Commissioning Committee and therefore, do not have voting rights.

Name	Position
Professor Sir Malcolm Grant	Chair, NHS England
Emily Lawson	National Director: Transformation and Corporate Operations
Simon Currie	Director of Financial Planning and Delivery
Ivan Ellul	Director of Commissioning Policy
Dr Arvind Madan	Director of Primary Care Delivery
Matthew Style	Director of Strategic Finance
Johannes Wolff	Head of Commissioning Policy Unit

All other non-executive directors have a standing invite to attend.

The Commissioning Committee may ask any other officials of the organisation to attend and assist it with its discussions on any particular matter;

The Commissioning Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

4. Declaration of Interest

All members and attendees of the Commissioning Committee must declare any relevant personal, non-personal, pecuniary or potential interests at the commencing of any meeting. The Chair of the Committee will determine if there is a conflict of interest such that the member and/or attendee will be required to not participate in a discussion.

All potential conflicts of interest must be declared and dealt with in line with NHS England's policies/procedures for handling conflicts of interest. All declarations of interest will be minuted.

The Board Governance Team can provide advice on this matter and in addition, guidance on reporting Declaration of Interests can be found at [SO9.1 of the Standing Orders](#) and [Standards of Business Conduct](#). A template for the Declaration of Interest can be found [here](#).

5. Meetings

The Commissioning Committee will be provided with a secretariat function by the Head of Commissioning Policy Unit.

The Board or the Accounting Officer may ask the Commissioning Committee to convene further meetings to discuss particular issues on which they want the Committee's advice.

Quorum

The Commissioning Committee will meet at least eight times a year. The Chair of the Commissioning Committee may convene additional meetings, as they deem necessary.

A minimum of four members of the twelve will be present for the meeting to be deemed quorate. This should be a minimum of 1/3 of members, including at least one non-executive member and one executive member / national director.

6. Information Requirements

For each meeting the Commissioning Committee will be provided (not less than five working days prior to the meeting) with:

- A full pack of the agreed papers

As and when appropriate the Commissioning Committee will be provided (well ahead of the meeting) with:

- Any amendments to papers issued for a meeting
- An annual schedule of meetings

7. Reporting

The Commissioning Committee will report in writing to the Board and Accounting Officer after each meeting.

The Commissioning Committee will provide the Board and Accounting Officer with an Annual Report in July each year, timed to support finalisation of the accounts and the Governance Statement, summarising its conclusion from the work it has done during the year.

8. Governance

The Committee will be provided with a secretariat function by the Head of Commissioning Policy Unit,

They will ensure that minutes of the meeting are taken and provide appropriate support to the Chair and members. Duties will include:

- Committee meetings shall be set before the start of the financial year
- meeting administration, agreement of agenda with Chair and attendees and collation of papers
- ensuring that minutes are taken and keeping a record of matters arising and issues to be carried forward
- timely distribution of papers before each meeting, usually a minimum of five working days
- record of actions and other matters arising or issues to be carried forward
- the secretariat will prepare an attendance register for each meeting and ensure that the attendance/non-attendance of all individuals is correctly recorded at each meeting.

The Board or the Accounting Officer may ask the Committee to convene further meetings to discuss particular issues on which they want the Committee's advice.

The committee will meet 10-12 times each year. Where necessary, the committee will communicate electronically to take decisions outside of formal meetings. All decisions taken in this way will be formally recorded at the next meeting.

9. Terms of Reference Review

The Commissioning Committee Terms of Reference will be reviewed as a minimum on an annual basis. This will be in April 2019 in line with preparing the Annual Report to the Board.

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Appendix 1: Membership 2018/19

Membership

Members:

Name	Position
Wendy Becker (Chair)	Non-executive Director
Lord Victor Adebowale	Non-executive Director
Noel Gordon	Non-executive Director
Michelle Mitchell	Non-executive Director
Paul Baumann	Chief Financial Officer
Professor Jane Cummings	Chief Nursing Officer
Ian Dodge	National Director: Strategy and Innovation
Professor Stephen Powis	National Medical Director
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Attendees:

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Dr Arvind Madan	Director of Primary Care Delivery
Matthew Style	Director of Strategic Finance
Johannes Wolff	Head of Commissioning Policy Unit

Secretariat:

Johannes Wolff Commissioning Policy Unit
Ray Avery Commissioning Policy Unit