

## **Annual Report & Effectiveness Review – Commissioning Committee**

### **Introduction**

1. The Committee works within its terms of reference to provide advice to the Board on the development and implementation of strategy for the commissioning sector, agree commissioning priorities and allocate resources, and receive assurance that performance, quality and financial outcomes are delivered, including financial performance monitoring. It also oversees assurance and development of the commissioning system.

### **Meetings of Committee**

2. The Committee met ten times during the year. The membership of the committee includes Non-Executive Directors, all National Directors and representatives from Clinical Commissioning Groups/NHS Clinical Commissioner and a Regional Director.
3. Professor Sir Bruce Keogh left the Committee on his retirement and was replaced by Professor Stephen Powis in January 2018. Two non-executive directors have joined the committee - Wendy Becker in November 2017 and Michelle Mitchell in February 2018. David Roberts resigned as Chair and as Committee member at the end of March 2018, with Wendy Becker taking on the role of Chair with effect from 1 April 2018.
4. A summary of members' attendance is given at annex 1. Please note that the Chair of the Board of NHS England reserves and exercises the right to attend any or all Board Committee meetings.

### **Delivery of work programme**

6. Over the year, the Committee has focussed on its three core areas:
  - Delivery of the main system transformation programmes
    - Next steps on the NHS five year forward view<sup>1</sup> priorities including cancer; mental health and dementia; urgent and emergency care; primary care; and the NHS' ten point efficiency plan with NHS Improvement
    - Sustainability and Transformation Partnership (STP) and Integrated Care Systems (ICS)
  - In year performance and finance
    - assurance of financial and service performance, both within NHS England and across the commissioning system
  - Oversight of the commissioning system and its development
    - CCG improvement, assessment and assurance processes ensuring that CCGs meet their statutory duties

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<sup>1</sup> <https://www.england.nhs.uk/wp-content/uploads/2017/03/NEXT-STEPS-ON-THE-NHS-FIVE-YEAR-FORWARD-VIEW.pdf>

- agreeing recommendations for CCGs taking on the delegation of primary medical care commissioning functions on behalf of the Board as well as the process and decision criteria for CCG mergers.

## **Work programme for 2018/2019**

5. The Committee agenda in 2018/19 will continue to be based around the Next steps on the NHS five year forward view and the other priorities set out above. The Committee will support the NHS England and NHS Improvement Joint Finance Advisory Group (JFAG) through oversight of the delivery of efficiency savings and by providing the formal NHS England decision making route on matters arising from the JFAG.

## **Review of Terms of Reference**

6. The terms of reference for the Committee have been reviewed. No significant changes were made.
7. The revised terms of reference (annex 2) were ratified by the NHS England Board on 24 May 2018.

## **Review of effectiveness**

8. A review of the Committee was carried out by the in-coming Chair and the Head of the Commissioning Policy Unit in February 2018. This considered the 2017-18 work of the Committee. It concluded that the Committee will focus on the action to deliver the remaining commitments in the Next steps on the NHS five year forward view. There will be an emphasis on Cancer; Mental Health and Dementia, Urgent and Emergency Care; the General Practice Forward View and overall progress across all programmes.
9. In addition a review of minutes from December 2016 – March 2018 was undertaken (annex 3). In summary, this shows that the Committee met its obligations under the terms of reference. The majority of action is either complete or conducted by the Board. Where actions have been delayed, they are included on the forward plan.

## **Assurance Statement**

10. As incoming Chair, I confirm that the Commissioning Committee has reviewed its business over 2017-18 and met its delegated duties. There are no significant issues of concern for the Board in this Annual Report.

## **Recommendations**

11. The Board is asked to:
  - i. Note the report;
  - ii. Take assurance from the Committee with regard to delivery of the work programme.

**Wendy Becker**  
**Chair, Commissioning Committee**

## Annex 1

<b>Member</b>	<b>Number of eligible meetings attended during the year</b>	<b>Comments</b>
David Roberts (Chair)	9/10	
Lord Victor Adebawale	6/10	
Noel Gordon	8/10	
Wendy Becker	3/4	Member since 1 November 2017
Michelle Mitchell	1/1	Member since 8 February 2018
Simon Stevens	9/10	
Paul Baumann	9/10	
Professor Jane Cummings	9/10	
Professor Sir Bruce Keogh	8/8	Member until retirement from NHS England on 28 January 2018
Ian Dodge	10/10	
Matthew Swindells	9/10	
Richard Barker	8/10	
CCG representative	9/10	
Professor Stephen Powis	2/2	Member since 29 January 2018

# Terms of Reference

## Commissioning Committee

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**Directorate:** Strategy and Innovation

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## 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	<a href="https://www.england.nhs.uk/wp-content/uploads/2017/07/pol-0002-scheme-of-delegation-v7.3.pdf">https://www.england.nhs.uk/wp-content/uploads/2017/07/pol-0002-scheme-of-delegation-v7.3.pdf</a>

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

### 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"><li>• The authority to make decisions on the exercise of statutory powers in respect of Clinical Commissioning Groups, including making decisions on intervention</li></ul>

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
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 Chair of the Board of NHS England reserves and exercises the right to attend any or all meetings of this Committee.

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.

## 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
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:

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

#### Secretariat:

Johannes Wolff      Commissioning Policy Unit  
Ray Avery            Commissioning Policy Unit

## Annex 3

### NHS England Commissioning Committee Review of minutes December 2016 – March 2018

#### Background

The Commissioning Committee secretariat has reviewed the minutes of previous meetings at the request of the new Chair. This was to inform the annual review and the future work of the Committee.

#### Summary of findings

The Committee met 13 times over this period. The content of business reflects the terms of reference and the delegated responsibilities from the NHS England Board.

The Committee business covered the following:

##### *NHS Five Year Forward View*

In April 2017 it was agreed that the work of the Committee should be aligned to priorities set out in the 'Next Steps on the Five Year Forward View'. The numbers in brackets indicate how many times each agreed priority area has been a topic at a meeting since April 2017:

- Cancer (3)
- Mental Health and Dementia (3)
- Primary Care and General Practice Forward View (3)
- Integrated Care Systems (formerly Accountable Care Systems) (5)
- NHS 10 point efficiency plan (9)
- Operational planning and contracting round for 2017-2019 (4)

##### *Clinical Commissioning Groups (CCG)*

- Mergers and dissolutions
- CCG Improvement and Assessment Framework
- Application or removal of Directions
- Application or removal of Special Measures
- Devolution of commissioning of primary medical services

##### *Assurance*

- Regular Finance reports
- Bi-monthly NHS Performance Reports
- Quarterly Primary Care and Public Health Performance Reports
- NHS Commissioning Support Units and annual business plans

##### *Discretionary topics*

- Devolution: Policy framework; Greater Manchester; Surrey Heartlands
- Commissioning the Third Sector
- Finance, Efficiency and Delivery: progress on the £22bn challenge
- Enhanced health in care homes
- Establishing the Medicines Value Programme & low value medicines

- End of Life Care
- Personalised Care
- 'Next Steps on the Five Year Forward View' – Prevention
- National Audit Office presentation of findings on NHS work to inform the work of the Committee

A log is maintained to track all actions in the minutes. All actions are either complete or will be address at an upcoming meeting. A three meeting forward plan is provided at each meeting to keep track and plan the Committee's business.

## **Conclusion**

The Committee has met its obligations under the Terms of Reference and for its priority areas of focus. The majority of action is either complete or conducted by the Board. Where actions have been delayed, they are included on the forward plan.