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Procedures for clinical commissioning groups to apply for constitution change, merger, or dissolution

August 2020, Version 4

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Contents

1. Preface to the revised edition – August 2020	3
2. Introduction	3
3. Equality statement	3
4. Procedure to change a CCG constitution.....	4
4.1 Background	4
4.2 Application process to be adopted	5
4.3 Consideration by NHS England of the proposed variation	6
5. Procedure to agree a CCG merger	8
5.1 Background	8
5.2 Roles and responsibilities.....	8
5.3 Criteria for merger	9
5.4 Pre-application activity and the merger application	11
6. Procedure to dissolve a CCG.....	13
6.1 Background	13
6.2 Application process to be adopted	13
6.3 Consideration by NHS England of the proposed dissolution	14
Annex 1: checklist for constitution changes	16
Annex 2: legal requirements of a CCG constitution	17
Annex 3: merger application requirements	18

1. Preface to the revised edition – August 2020

- 1.1 This document has been revised from the previous version (April 2019) to take account of key learning from a large wave of mergers of clinical commissioning groups (CCGs) in 2019/20. The previous edition had been updated following publication of the [NHS Long Term Plan](#) in January 2019. The Long Term Plan describes how the commissioning system will continue to evolve and sets out the intention that all of England will be covered by an integrated care system, involving a CCG or CCGs working together with partners to ensure a streamlined and single set of commissioning decisions at system level.

2. Introduction

- 2.1 These procedures are to be followed by CCGs and NHS England. They are underpinned by the requirements of the National Health Service Act 2006 (as amended) (referred to from now on as ‘the Act’) and by relevant regulations.
- 2.2 Under the Act, NHS England has powers to make transfers of property and staff in connection with variation, merger, or dissolution. The use of these powers is included in the scope of these procedures.
- 2.3 NHS England has separate powers which allow it to vary a CCG’s area or membership without an application from the CCG. The application of this power is out of scope of the procedures outlined in this document.

3. Equality statement

- 3.1 NHS England has a duty to have regard to the need to reduce health inequalities in access to health services and health outcomes achieved as enshrined in the Act. NHS England is committed to ensuring equality of access and non-discrimination, irrespective of age, gender, disability (including learning disability), gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.
- 3.2 In carrying out its functions, NHS England will have due regard to the different needs of protected equality groups, in line with the Equality Act 2010. This document is compliant with the NHS Constitution and the Human Rights Act 1998. This applies to all activities for which they are responsible, including policy development, review and implementation.

4. Procedure to change a CCG constitution

4.1 Background

- 4.1.1 Every CCG must have a constitution. This is a key document for each CCG that sets out various matters including the arrangements that it has made to discharge its functions and those of its governing body; its key processes for decision making, (including arrangements for ensuring openness and transparency in the decision making of the CCG and its governing body) and arrangements for managing conflicts of interest. NHS England has published a [model constitution](#) for CCGs along with [supporting notes](#). An FAQ document is available from regional teams.
- 4.1.2 NHS England must be satisfied that the constitution complies with the requirements of the Act and is otherwise appropriate.
- 4.1.3 Section 14D of the Act provides that where NHS England grants an application for establishment, a CCG is established, and the proposed constitution approved under the application process has effect as the CCG's constitution. This means that it is the constitution assessed as part of CCG authorisation that is the constitution on which establishment is based. Any change to the constitution used at authorisation needs to be agreed with NHS England.
- 4.1.4 Section 14E of the Act provides for applications for variation of constitutions. Under section 14E, a CCG may apply to NHS England to vary its constitution (including doing so by varying its area or its list of members). If NHS England grants the application, the variation to the constitution will come into effect.
- 4.1.5 Under section 14J, a CCG must publish its constitution. If the constitution is varied, whether on the request of the CCG or under the powers of NHS England, the CCG must publish the revised constitution. This should be done as soon as is reasonably practical after the CCG receives the relevant approval or decision from NHS England. No requested changes to the constitution can be acted upon until formal approval has been received.
- 4.1.6 NHS England regional teams should be notified of any significant changes, for example, to the leadership of a governing body. Where CCGs are wishing to make significant changes, such as a replacement of the chair of the governing body, any new member, these changes should be subject to a selection process of equivalent rigour as the original member. This will ensure that the new member has the capability to fulfil the role.

- 4.1.7 Section 14A(1) of the NHS Act 2006 requires each provider of primary medical services to be a member of a CCG. As new models of care are developed CCGs should therefore ensure that their membership reflects this and that any amendments this requires to their constitution are made.
- 4.1.8 The CCG's constitution will need to reflect any arrangements for joint and delegated commissioning arrangements. In Annex C of the document [Next steps towards primary care co-commissioning](#), there is a suggested form of words for joint commissioning constitutional amendments, which can be tailored to individual circumstances. CCGs with delegated commissioning must have a committee to manage the delegated functions and to exercise the delegated powers.

4.2 Application process to be adopted

- 4.2.1 Other than in the circumstances set out in paragraph 16 below, NHS England will consider applications for the variation of constitutions throughout the year. CCGs considering changes to constitutions are advised to discuss their proposed application with the relevant NHS England regional team at an early stage in advance of submission.
- 4.2.2 Any application for variation which will change a CCG's boundary, or its list of members, must be made by **30 September** so that the change can be reflected in the allocations for the following financial year. Any boundary change will take effect from **1 April** of the following year.
- 4.2.3 Applications requiring boundary changes should list the Lower Super Output Areas (LSOA) codes, and for any proposed practice moves the application should include relevant practice codes. In addition, applications should provide the regional team with a map of proposed changes to ensure that the area remains appropriate.
- 4.2.4 The application should come from the CCG and changes to the constitution made in tracked changes for ease of review by the regional team. The application should already have been discussed and agreed with CCG member practices and stakeholders should have already been consulted at the point of submission of the application.
- 4.2.5 The application should consist of:
- i. the reason why a variation is being sought
 - ii. the proposed varied constitution with the amended clauses clearly signposted
 - iii. assurance that there has been engagement with member practices about the proposed change(s)

- iv. assurance that the relevant decision maker in the CCG, as per the CCG constitution and scheme of reservation and delegation (this will ordinarily be the membership or the governing body) has formally agreed to the proposed changes. In the event of no explicit delegation, power to agree changes is reserved to the membership
- v. assurance that stakeholders have been consulted if required
- vi. a self-certification by the chair or accountable officer, on behalf of the CCG, that the revised constitution continues to meet the requirements of the NHS Act 2006
- vii. assurance that the CCG has considered the need for legal advice on the implications of the proposed changes, including whether advice has been sought
- viii. a complete impact assessment of the changes, which should cover as a minimum the factors required to be considered by NHS England set out below.

4.2.6 A checklist of requirements for constitution changes can be found at [Annex 1](#). A list of legal requirements for a CCG constitution can be found at [Annex 2](#).

4.2.7 NHS England may seek clarification or additional information during the period when it is considering applications.

4.3 Consideration by NHS England of the proposed variation

4.3.1 [The Act and the National Health Service \(Clinical Commissioning Groups\) Regulations 2012](#) set out the factors which NHS England must consider when considering an application under this procedure. They are:

- i. that the constitution meets the requirements of legislation and is otherwise appropriate;
- ii. that each of the members of the CCG is a provider of primary medical services;
- iii. that the area is appropriate (ie that there are no overlapping CCGs and no gaps);
- iv. that the proposed Accountable Officer is appropriate;
- v. that the CCG has made appropriate arrangements to ensure it is able to discharge its functions;
- vi. that it has made arrangements to ensure that its governing body is correctly constituted and otherwise appropriate;
- vii. the likely impact of the requested variation on the persons for whom the CCG has responsibility ie the registered and resident population of the CCG;
- viii. the likely impact on financial allocations of the CCG and any other CCG affected for the financial year in which the variation would take effect;
- ix. the likely impact on NHS England's functions;

- x. the extent to which the CCG has sought the views of the following, what those views are, and how the CCG has taken them into account:
 - any unitary local authority and/or upper tier county council whose area covers the whole or any part of the CCG’s area
 - any other CCG which would be affected
 - any other person or body which in the CCG’s view might be affected by the variation requested.
- xi. the extent to which the CCG has sought the views of patients and the public; what those views are; and how the CCG has taken them into account; and
- xii. how often the CCG has applied for variations of the kind requested.

4.3.2 In addition to these factors, NHS England will consider, where appropriate, how any boundary change will fit with the local sustainability and transformation partnership (STP) or integrated care system (ICS), and will consider the CCG’s performance, as determined by its annual NHS England assessment.

4.3.3 It is for the CCG to determine what information, in addition to the requirements set out in the previous section, should be submitted to help NHS England decide on the application for constitution change. NHS England may ask for clarification or additional information it may require at any stage. Additionally, NHS England may consider any other material in making its decision which it considers relevant, not just the material submitted by the CCG. At all stages the procedure will involve communication between NHS England and the CCG.

4.3.4 NHS England will acknowledge all applications for variations within **two weeks** of receipt and will notify the CCG in writing of the outcome of its decision within **eight weeks**.

4.3.5 If NHS England thinks that its statutory duties in relation to CCGs make it preferable for it to do so, it may:

- i. where granting the application would have a significant impact on allotments to the CCG in question or other CCGs, defer determination of the application until the later of the end of the financial year in which it was received and the date six months after it was received
- ii. defer determination until it has received all related applications for establishment or variation from other CCGs.

4.3.6 There is no appeal or review process to NHS England’s decision.

5. Procedure to agree a CCG merger

5.1 Background

- 5.1.1 The [NHS Long Term Plan](#) describes how the commissioning environment will continue to evolve and it is in this context that CCGs will operate in future.
- 5.1.2 Building on the progress already made, the NHS Long Term Plan sets out an intention for ICSs to cover the whole country. It states that: “Every ICS will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level...CCGs will become leaner, more strategic organisations that support providers to partner with local government and other community organisations on population health, service redesign and Long Term Plan implementation.”
- 5.1.3 CCGs may wish to explore the efficiency opportunities of merging with neighbouring CCGs given reductions in CCG running cost allowances.
- 5.1.4 There are provisions under section 14G of the Act allowing for mergers of CCGs, with specific requirements set out in the [CCG Regulations 2012](#). CCGs have a legal right to apply for a merger and there are specific legal factors and further criteria that NHS England will consider when deciding whether to agree the merger. These criteria are set out in [section 5.3](#). Mergers involve both the dissolution of existing CCGs and the establishment of a new one. CCGs should engage with the correct membership constituency and decision makers throughout the process. For example, there will be several decisions to apply for merger, taken by the existing CCGs, whereas the adoption of the new constitution for the proposed new CCG is taken once by the proposed membership of the new one.

5.2 Roles and responsibilities

- 5.2.1 The process to merge two or more CCGs will require the commitment and leadership of the existing CCGs’ governing bodies. The existing CCGs will need to direct sufficient resources to the merger, including establishing a programme management office (PMO), in recognition that this is a significant change programme. However, the merger should not unduly distract the existing CCGs from business as usual, including delivering core performance standards and achieving financial balance.
- 5.2.2 NHS England will provide information and guidance to CCGs considering merger and will assess the suitability of proposed mergers.

- 5.2.3 NHS England has a statutory duty to authorise any new CCG and will make reasonable requests for information and assurances from the existing CCGs to do so.
- 5.2.4 Following conditional authorisation, NHS England will require reasonable assurance on progress from the existing CCGs throughout the merger preparation process to ensure that all necessary action has been taken to confirm the establishment of the new CCG. NHS England will continue to provide existing CCGs with support and guidance through the merger preparation process, including working with other partners, notably NHS Shared Business Services (SBS) on financial matters and NHS Digital on informatics.

5.3 Criteria for merger

- 5.3.1 In accordance with the legal requirements and the NHS Long Term Plan, NHS England will consider the following criteria in deciding whether to approve a proposed merger:
- i. **Alignment with (or within) the local STP/ICS:** to provide the most logical footprint for local implementation of the NHS Long Term Plan, and to provide strategic, integrated commissioning to support population health. The merger application should briefly set out how the proposed new CCG will work with all other local STP/ICS partner organisations (including **any other CCGs**, in line with the **legal requirements**) and (where relevant) other partner organisations (including other CCGs/providers) outside the existing STP/ICS with which it has significant working relationships. Any CCG merger proposal which crosses existing STP/ICS boundaries may prompt consideration of whether the existing STP/ICS boundaries are themselves appropriate or need to be re-drawn.
 - ii. **Coterminosity with local authorities:** there is a presumption in favour of the proposed new CCG being coterminous with one or more upper-tier county council or unitary local authority. The existing CCGs must demonstrate how the merger would be in the best interests of the population which the new CCG would cover. This is particularly important in any case where the boundary of the proposed new CCG is not coterminous with local authority boundaries. In all cases, in line with the **legal requirements**, the existing CCGs must demonstrate in their application that they have effectively consulted with the relevant local authority(ies) regarding the proposed merger, record what the local authority(ies)' views are, and what the CCGs' observations on those views are. They should also show how they have/will put in place suitable arrangements with local authorities to support integration at 'place' level (population of between 250,000 and 500,000).

- iii. **Strategic, integrated commissioning capacity and capability:** in line with the **legal requirements**, the existing CCGs must demonstrate that they have/will develop the leadership, capacity and capability for strategic, integrated commissioning for their population. This will include population health management, new financial and contractual approaches that encourage integration, and developing place-based partnerships. In accordance with the **legal requirements**, the application must demonstrate how any commissioning support services to be procured will be of an appropriate nature and quality.
- iv. **Clinical leadership:** in line with the **legal requirements**, the existing CCGs must demonstrate how the proposed new CCG will be a clinically-led organisation, and how members of the new CCG will participate in its decision-making.
- v. **Financial management:** in accordance with the **legal requirements**, the existing CCGs must show how the new CCG will have financial arrangements and controls for proper stewardship and accountability for public funds.
- vi. **Joint working:** ideally, a merger should build on collaborative working between the existing CCGs and represent a logical next step from current arrangements. The merger application should show progress on joint working to date and must show how the existing CCGs intend to resource and manage the merger process itself.
- vii. **Ability to engage with local communities:** assurance is required that the move to a larger geographical footprint will not be at the expense of the proposed new CCG's ability to engage with – and consider the needs of – local communities.
- viii. **Cost savings:** where possible, the existing CCGs should show how collaboration and joint working **to date** has contributed to cost savings; they must also show any further cost savings projected to result from the merger, and when, and how cash released will be re-invested.
- ix. **CCG approval:** the merger application must show evidence of approval for the merger by the relevant parties within each of the existing CCGs. Depending on the constitutions and schemes of reservation and delegation, the power to make a decision to merge may sit with the full membership, a subset of members or the Governing Body. Each merging CCG should take its own decision in accordance with its own governance arrangements (for example, where membership votes are required to support a merger, confirming that the

necessary threshold has been reached). NHS England requires evidence that the governing bodies of each of the existing CCGs approve the proposal to merge, and that the proposal is also supported by other parties within each of the existing CCGs if this is deemed necessary by the existing CCG constitution.

- x. **GP members and local Healthwatch consultation:** evidence is required that each of the existing CCGs have engaged with, and seriously considered the views of, their GP member practices, and local Healthwatch, in relation to the merger. The merger application must record the level of support and the prevailing views of each existing CCG's member practices and local Healthwatch, and the existing CCGs' observations on those views.

5.4 Pre-application activity and the merger application

- 5.4.1 CCGs contemplating merger should engage at the earliest possible opportunity with the relevant NHS England regional team, prior to making a formal application. NHS England will work with CCGs to minimise the risk of unnecessary work and to support their engagement with stakeholders and application preparations. CCGs should make regional teams aware of all existing and planned joint appointments and collaborative working arrangements, eg committees in common, which are/will be in place prior to merger. They should ensure that their regional team is sighted and supportive before giving any specific assurances to GP members or other stakeholders about key arrangements for the new CCG (for example in relation to governing body make up, or financial allocations).
- 5.4.2 The relevant NHS England regional team should indicate promptly to the existing CCGs whether it is supportive in principle of the proposal to merge. If the regional team is supportive, the CCGs are strongly encouraged to start early engagement on the merger with their GP members, staff, local communities (including through local Healthwatch) and their local authority and provider organisation partners. Specific advice on engagement of patients and the public in relation to CCG mergers is available from regional teams.
- 5.4.3 CCG merger applications may be made – and considered by NHS England - at any time of the year. However, mergers may only take effect from the beginning of a new financial year (1 April). If a proposal to merge is supported by the relevant regional team, a formal, written application should be made jointly by the existing CCGs to the relevant regional director by **30 September** for the merger to take place on 1 April the following year. In exceptional circumstances, regional teams may grant an extension of the deadline to a specified date in October for submission of the full application or any outstanding element of it not submitted by 30 September. CCGs are encouraged

to make an early application to give them sufficient time post-conditional authorisation to work with NHS England and other partner organisations on the detailed implementation and preparatory arrangements.

- 5.4.4 The regional director will acknowledge receipt of the merger application in writing within two weeks of receipt.
- 5.4.5 Any application received by the regional director after the deadline of 30 September (or in exceptional cases, the deadline in October specified by a region) will be considered for merger the April after next. In this case, following conditional authorisation of the merger by NHS England, the existing CCGs will default to operating (as far as possible) as a single organisation and will have longer to prepare for their formal merger.
- 5.4.6 The formal merger application must be signed off by the accountable officer for each of the existing CCGs and include a statement of confirmation that the decision to apply for merger has been taken in accordance with each of the existing CCGs' constitutions and schemes of reservation and delegation. More details about the application requirements are shown at [Annex 3](#). The application must set out how the proposed merger will meet the criteria for merger and include selected supporting evidence (where appropriate). As part of this, there should be information about the benefits of joint working between the CCGs to date (quantified, where possible, eg financial savings) and an outline benefits realisation plan for the pre-merger period and post-merger. This should show the anticipated benefits of the merger, when they are expected to be realised and how they are to be measured/evaluated.
- 5.4.7 Leaders of the existing CCGs will be invited to present their pre-submitted merger application and supporting evidence for scrutiny by a regional panel, which may include, at the discretion of the regional director and, only if there is no conflict of interest, leaders from the local STP(s)/ICS(s), to offer their observations. This is an opportunity for 'check and challenge' of written information submitted. If the regional panel and regional director make a positive assessment of the merger application following the panel presentation, the decision to approve the application, including determining any specified actions and conditions which must be completed prior to the merger, will be made in accordance with NHS England's scheme of delegation. This may require referral to the System Oversight Committee (a sub-committee of the Board of NHS England). All decisions on conditional merger authorisation will be reported to the Committee or to the Board.
- 5.4.8 The existing CCGs will be informed of the decision taken in writing by the regional director. The decision is final and there is no right of appeal.

6. Procedure to dissolve a CCG

6.1 Background

- 6.1.1 Section 14H of the Act, provides that a CCG may apply to NHS England for the group to be dissolved and for its members to join other CCGs.
- 6.1.2 Key factors set out in the Regulations that NHS England must consider in relation to an application for dissolution are:
- i. the impact on the local population served by the dissolving CCG of proceeding with a dissolution
 - ii. the financial implications of dissolution to both the CCG in question and other affected CCGs
 - iii. the impact on NHS England's functions
 - iv. the stakeholder engagement the CCG has undertaken and how the CCG has taken the views of stakeholders into account.

6.2 Application process to be adopted

- 6.2.1 NHS England will consider applications for CCG dissolutions at any time in the year. This is because it needs to ensure that the entire population is always covered by a functioning CCG. Submissions should be made to the relevant regional team.
- 6.2.2 The application should come from the CCG wishing to dissolve. The application should already have been discussed and agreed with CCG member practices and stakeholders, including those neighbouring CCGs which will be affected by the dissolution, should have already been consulted at the point of submission of the application.
- 6.2.3 Applications made under section 14H of the Act must be accompanied by the following:
- i. assurance that all member practices of the CCG have plans in place to join other CCGs
 - ii. confirmation that those other CCGs have been consulted and are content with the proposals for new members
 - iii. assurance that other stakeholders have been consulted.
- 6.2.4 CCGs receiving new practices as a result of a CCG dissolution should apply to vary their constitutions in tandem with the application for dissolution and to an agreed common timescale.

6.3 Consideration by NHS England of the proposed dissolution

6.3.1 Regulation 9 applies to applications to dissolve a CCG. Schedule 3 to the Regulations sets out the factors to be taken into account. NHS England may also consider any other information which it deems relevant. The factors that must be considered are as follows:

- i. the likely impact of the dissolution on population and patients of the CCG
- ii. the likely impact of the dissolution on financial allocations
- iii. the likely impact of the dissolution on NHS England's functions
- iv. the extent to which the CCG to be dissolved has sought the views of the following, what those views are, and how the CCG has taken them into account:
 - unitary local authorities and upper tier county councils (within the meaning of paragraph 1 (2) of Schedule 1) whose area coincides with, or includes the whole or any part of, the area specified in the CCG's constitution
 - any other CCG which in the CCG's view would be affected by the dissolution
 - any other person or body which in the CCG's view might be affected by the dissolution.
- v. the extent to which the CCG to be dissolved has sought the views of individuals to whom any relevant health services are being or may be provided, what those views are, and how the CCG has taken them into account.

6.3.2 Additionally, on receipt of an application for dissolution NHS England can consider the requirement to apply the failure regime under section 14Z21, and potential need for directions to support the carrying out of the CCG's functions in the period until dissolution takes effect.

6.3.3 If only some member practices have agreed plans to move to other CCGs, NHS England will consider whether the residual practices can form a viable CCG. If necessary, NHS England will consider the use of its powers under 14F to vary the membership of a CCG. NHS England will consider this on a case by case basis and in discussion with the CCG.

6.3.4 NHS England may refuse an application for dissolution if it is not satisfied that the alternative CCGs would meet the same threshold as required for initial authorisation.

6.3.5 NHS England will also assess, where relevant, whether the CCG(s) have ensured that appropriate plans are in place to maintain good information governance through the transition, in consultation with local IG lead(s) – in particular for:

- i. appropriate transfer or disposal of information assets, including manual records and electronic equipment
- ii. physical audit of premises prior to release
- iii. review of data protection notification(s)
- iv. revision to fair processing information.

6.3.6 NHS England will acknowledge all applications for dissolution within two weeks of receipt.

6.3.7 If NHS England thinks that its statutory duties in relation to CCGs make it preferable for it to do so, it may:

- i. where granting the application would have a significant impact on allotments to the CCG in question or other CCGs, defer determination of the application until the end of the financial year in which it was received and the date six months after it was received, whichever is the later; or
- ii. defer determination until it has received all related applications for establishment or variation from other CCGs.

6.3.8 In the event of dissolution, the assets and liabilities of the CCG will transfer to the organisation(s) to which the practices within that CCG become members. The dissolving CCG will need to confirm the split of assets and liabilities across practice populations. Where there is a dispute regarding the transfer of assets or liabilities, NHS England will determine the proportions to be allocated to the receiving CCGs. NHS England may make a property and/or staff transfer scheme as appropriate under section 14I of the NHS Act 2006. In the event of CCG functions being taken over by NHS England (as a result of its intervention procedures), any assets and liabilities will be transferred to NHS England proportionate to the functions being discharged.

6.3.9 There is no right of appeal to NHS England's decision.

Annex 1: checklist for constitution changes

For completion by CCGs – and submission to their regional teams:

CCG name	
Reason for variation	
Have the requested variations been made in tracked change(s) for ease of review by regional team?	
Has the constitution been checked to confirm who has delegated authority to agree the proposed change(s)?	
Have the relevant stakeholders been consulted (if required)?	
Has the Chair or Accountable Officer confirmed that the revised constitution meets the requirements of the Act on behalf of the CCG?	
Have you considered legal advice where necessary?	
Have you completed an impact assessment of the changes to be considered by NHS England?	
Have you included practice codes for any proposed practice moves if applicable?	
Have you articulated clearly the new boundary (e.g. included LSOA codes or a revised detailed map) for any proposed boundary changes if applicable?	

Annex 2: legal requirements of a CCG constitution

The full requirements of what a CCG must and may include in its constitution are provided in [Schedule 1A Part 1 of the 2006 Act](#) (as amended). The essential legal requirements are listed below. NHS England has published a model constitution with supporting guidance and extensive FAQs.

Name	
Members (Note that this is contract holders. Do not include branch surgeries.)	
Area	
Arrangements made for discharge of functions including terms and conditions of employees	
Procedures for making decisions	
How to achieve transparency about decision making	
Arrangements to be made for discharging its functions under Section 140 of the Act, ie, the requirement upon the CCG to maintain registers of interest, publish those registers, ensure anyone affected declares conflicts or potential conflicts of interest and have regard to any guidance issued by NHS England on conflicts of interest .	
Effective participation by all members	
How the governing body will operate	
Arrangements for the appointment of the audit and remuneration committees	
Governing body decision making processes	
Provisions for public meetings	

Annex 3: merger application requirements

The merger application should be clear and concise.

The application should include the following:

1. **Summary case for change document** (no longer than 15 pages), to include:
 - signatures of the existing CCG Accountable Officer(s) and a declaration that the decision to apply for merger is made in accordance with each of the existing CCGs' governance arrangements
 - the proposed new CCG name (to comply with the CCG Regulations 2012 (3) to (6))
 - map(s) and population details; reference to current health outcomes and health inequalities
 - reference to the PSED (Public Sector Equality Duty) impact assessment for the proposed new CCG
 - the vision, the reasons for the application (to comply with the CCG Regulations 2012 10 (4)) and an outline description of benefits of merger, including the impact on the registered and resident population of the new CCG, the impact on STP/ICS partners and any other significant partner organisations
 - summary of joint working to date, including joint appointments, joint committees and arrangements to hold meetings in common, lead commissioner arrangements, etc.
 - confirmation of approval for the proposal to merge from **each** of the existing CCGs; this must include governing body approval and support of the membership if the power to agree a merger is not delegated
 - reference to the merger communications and engagement plan, including confirmation of engagement of the relevant local authorities, GP members, and patients and the public (as a minimum - via local Healthwatch) and consideration of their feedback
 - financial position (current and high-level forecast)
 - reference to any intervention action for any of the existing CCGs (current or past) – legal directions/special measures
 - reference to current status regarding delegated authority for primary medical care services
 - **desirable – as an appendix: letter of support for the merger from STP/ICS partner organisations and/or the STP ICS leader.**
2. **Completed application template** (Excel spreadsheet – template to be supplied by NHS England – setting out the merger criteria) – showing how the application meets the

criteria for merger (including legal requirements), and signposting to the supporting evidence.

3. Outline benefits realisation plan – what benefits are expected to be realised from the merger? To include high level view on impacts on population health and financial savings. Identify baseline measures to enable evaluation of benefits post-merger.
4. Impact assessment of the proposed CCG's public sector equality duty (PSED) including the protected characteristics (Authorisation criteria, Equality Act).

For the proposed new CCG*:

5. A first draft of the new constitution, which must include the new CCG name, draft standing orders and the proposed composition of the new governing body. CCGs are encouraged to also include the mandatory terms of reference, but applications will be accepted without these. The draft need not have been approved by members at the application stage.
6. High level HR/OD strategy – showing how key capacity and capability requirements will be met to provide an effective integrated strategic commissioning function, and locality place-based commissioning.
7. Procurement plan for key support services.
8. Financial strategy/plan – this should be aligned to the vision and priorities of the NHS Long Term Plan and the priorities of the STP/ICS (including appropriate references to the most recent STP/ICS financial plan submission). It should cover the remainder of the current financial year and the first two financial years for the proposed new CCG, and should include the following elements:
 - The current financial position of the existing CCGs.
 - References to QIPP programmes, investment strategies and financial governance arrangements.
 - How finance will be used to support the priority areas within the clinical commissioning strategy for the new CCG and the financial impact on services as a result of that strategy (see point 9 below).
 - Financial forecast and demonstration of the financial benefit of merger (consider estates, facilities, capital, workforce and other relevant factors). This element should include how any existing financial deficit will be addressed (covering both changes in demand and how costs will be reduced).
 - How funding will be allocated within the new CCG, including at 'place' level.

9. Clinical commissioning strategy/plan – this should be clearly linked with the CCG’s financial strategy and outline how commissioning will be transformed to improve health outcomes, service quality and value for money. The strategy for the new CCG should make appropriate references to the wider system strategy/plan, identifying the specific role of the new CCG within the system and how it works with its partners. It should include the following elements:

- Vision – what is this strategy setting out to achieve?
- A brief overview/assessment of current population health needs.
- Based on the current assessment, outline actions to show how the new CCG will address its key population health priorities. Consideration should be given to prevention, health inequalities, service quality and value for money.
- Development of the population health management approach, including the use of data and intelligence to better understand and respond to the health needs of the population.
- The criteria to be used to inform the new CCG’s commissioning decisions.

10. Communications and engagement strategy/plan.

*It is expected that all the above documents will be developed during the merger preparation phase (and beyond), and this will be taken into account at the point of assessment. The documents should be more developed the closer to the merger date that they are submitted as part of the application. They are necessary to show the thinking about how the new CCG is proposed to be set up, and to support the new CCG to operate as effectively as possible from the point of its establishment (pending approval by NHS England).

For the merger process (prior to the new CCG being established on 1 April):

11. High level merger programme plan, to include:

- Resources (financial and staff) (to be) committed by the existing CCGs to the merger.
- Governance and reporting arrangements for the merger project – SRO, PMO, merger oversight group; external reporting to NHS England.
- Key workstreams: HR and OD (including recruitment to Governing Body and other key roles), governance for the new organisation (including plan for production of a new Constitution and Standing Financial Instructions (SFIs), finance, informatics, information governance, communications and engagement, estates and property (asset management).
- Key milestones.
- Key dependencies.

- Risks and issues.

12. Merger communications and engagement plan, to include:

- Stakeholder mapping (with specific reference to CCG member practices, system partner organisations and local Healthwatch) .
- Summary of key activity to date, including any media interest, feedback received, and response to date.
- Summary of planned future activity.

NHS England may also request additional evidence, so this checklist should be treated as an **indicative** list only. It is also recognised that similar documents may have different titles/descriptions, so flexibility is allowed for this.

In addition, there is flexibility for CCGs to submit additional evidence in support of their application, but this should be kept to a **minimum** – and only included where it adds significant value to the case for merger.