

<b>Meeting Title: Governing Body</b>	 <b>Scarborough and Ryedale</b> Clinical Commissioning Group
<b>Meeting Date: 27 July 2018</b>	
<b>Report's Sponsoring Governing Body Member Richard Mellor</b>	<b>Report Author: Sally Brown</b>



### 1. Title of Paper: Procurement Committee Terms of Reference

### 2. Strategic Objectives supported by this paper:

To create a viable & sustainable organisation, whilst facilitating the development of a different, more innovative culture.	<input checked="" type="checkbox"/>
To commission high quality services which will improve the health & wellbeing of the people in Scarborough & Ryedale.	<input checked="" type="checkbox"/>
To build strong effective relationships with all stakeholders and deliver through effectively engaging with our partners.	<input checked="" type="checkbox"/>
To support people within the local community by enabling a system of choice & integrated care.	<input type="checkbox"/>
To deliver against all national & local priorities including QIPP and work within our financial resources.	<input type="checkbox"/>



### Executive Summary:

In 2016 the CCG established a committee to manage the conflicts of interest associated with the procurement of integrated community care services. This committee was known as the Multispecialty Community Provider (MCP) Procurement Committee and its membership ensured that decisions could be made in way that conflicts of interests of Governing Body members working in primary care could be managed appropriately. This would reduce the risk of challenge to decisions made and ensure decisions were open and transparent and made in the best interest of patients and in line with the CCG objectives.

The MCP Committee was chaired by the Chair of The Audit and Governance Committee and it has been agreed that the role of Chair should transfer to the Lay Member so that the A&G Chair does not have conflicted roles and his role as COI Guardian is not compromised.

The Procurement Committee has agreed the following:

1. A Lay Member, not the A&G Committee Chair will adopt the role of chair
2. The committee is formal committee of the Governing Body with delegated authority and should be included in the NHS SRCCG Constitution
3. The committee should be reflected in the CCG scheme of delegation

**3. Risks relating to proposals in this paper:**

Without an appropriate committee to make decisions related to services delivered by or in primary care there is a risk that actual or perceived conflicts of interest are not managed in line with the CCG COI policy.

**4. Summary of any finance / resource implications:**

None

**5. Any statutory / regulatory / legal / NHS Constitution implications:**

The CCG must demonstrate compliance with the NHSE Conflicts of Interest policy and procedures

**6. Equality Impact Assessment Completed? (Yes/No/Not Relevant):** Not relevant

**7. Quality Impact Assessment Completed? (Yes/No/Not Relevant):** Not relevant

**8. Any related work with stakeholders or communications plan:**

The recommendations to approve the changes to the committee will be discussed with the CoCR and the Governing Body for formal approval

**9. Recommendations / Action Required**

The Governing Body is requested to confirm that they agree with the recommendations made by the Procurement Committee

**1. Assurance**

Decisions made by the committee will be reported to the Governing Body and Finance and contracting committee and the management of conflicts of interest are subject to internal and external audit as well as reporting to NHSE and publication of the register of interests

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# NHS Scarborough and Ryedale Clinical Commissioning Group

## Procurement Committee Terms of Reference

Version Number	0.2
Authorship	Accountable Officer (Chief Officer)
Approved by	Governing Body
Original Approval date	
Last Review Date	
Next Review Due	

# POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet
V0.1	Corporate Services Manager	Draft reviewed by Procurement Committee <ul style="list-style-type: none"><li>• Agreed Chair</li><li>• Agree membership</li><li>• Agreed frequency</li><li>• Agreed inclusion in constitution and scheme of delegation</li></ul>	Procurement Committee	XX

## **1 Constitution**

The Governing Body of NHS Scarborough and Ryedale Clinical Commissioning Group (the CCG) hereby resolves to establish a committee of the Governing Body to be known as the Procurement Committee (the Committee). The Committee is a non-executive committee of the governing body and has no executive powers, other than those specifically delegated in these terms of reference and the Scheme of Delegation.

## **2 Accountability**

The Committee shall be accountable to the CCG Governing Body.

## **3 Reporting Arrangements**

The Committee's Terms of Reference shall be agreed by the Governing Body of the CCG.

The minutes of the Committee shall be formally recorded although these will only be presented to the Governing Body where the Committee Chair considers that there will be no conflict of interests in doing so.

The Committee will by exception escalate matters it considers should be brought to the attention at the full Governing Body.

The composition of the Committee shall be published in the Annual Report.

## **4 Duties & Responsibilities**

This Committee will develop and sign off final documentation and process for the commissioning of services where conflicts of interest of members means that a quorate decision regarding the commissioning of services cannot be achieved at the Governing Body, Primary Care Co-Commissioning Committee or other CCG Committee.

In line with the CCG's Constitution, where a commissioning decision is required and a quorum cannot be convened from the membership of a CCG Committee, owing to the arrangements for managing conflicts of interest or potential conflicts of interests, the chair of the meeting shall consult with the Accountable Officer with support from the nominated Lay member with responsibility for audit on the action to be taken, including considering delegating responsibility for progressing the item of business to the Procurement Committee.

Once a commissioning decision has been delegated to the Procurement Committee responsibilities of the Committee could include:

- Supporting Business Case, Specification and Joint Commissioning Plans, and will monitor delivery of the procurement, report progress and provide assurance of delivery against the plan. Acting as the CCG's delegated

authority in respect of the procurement, making decisions and providing guidance to the project team.

- Receiving regular updates about the progress of the procurement project.
- Providing assurance about the procurement process to the CCG governing body and other bodies for example NHS England and NHS Improvement.
- Approving progress through the stages of the procurement project until it is appropriate for new contract to be governed by the Joint Commissioning Board or other appropriate body.
- Reviewing and approving significant documents relating to the procurement, for example project initiation documents, project plans, procurement tests, evaluation criteria, budgets, financial models or negotiating frameworks.
- Being a point of escalation for significant risks and issues, supporting the project team to mitigate and address risks and issues when necessary and to review or approve any changes to the project that result from the need to manage risks and issues.
- Working with the project team to manage communications with the wider project stakeholder community in the CCG and in partner organisations. Reviewing and approving the terms of the final contract for delivery of the service.
- To review and approve the terms of the mobilisation plan.

## **5 Authority**

The Committee is to investigate any activity within its Terms of Reference. It may seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee.

The Committee members will assess the need to communicate and inform the Overview and Scrutiny Committee, the public, and stakeholders, of potential and/or planned changes to services and either liaise directly or inform the Accountable Officer of arrangements.

The Committee will from time to time call upon expertise in meeting the statutory duty in equality and diversity

## **6 Objectives**

To develop and manage plans for any service procurement delegated to the Committee.

Where deemed necessary, the Committee shall escalate matters of concern to the Governing Body.

To ensure the equality impact assessments are completed and actions implemented.

To ensure that the plans for any service procurement delegated to the Committee are overseen and approved on behalf of the CCG without giving rise to a conflict of interests identified within the full Governing Body.

To develop procurement plan to enable a fair and transparent process to contract award.

To manage the flow of information to and from the Governing Body and its stakeholders where appropriate.

The Committee shall initiate reviews in its own right and undertake, as directed, reviews on behalf of the Governing Body. Work shall be progressed by co-option of other key individuals.

The Committee shall determine what reports they would wish to see on a regular basis.

## **7 Risk Management**

The Committee will review a project specific risk register and ensure compliance with the actions upon it. Where able to do so without risk of conflict, this will be shared with the Governing Body. The Chair of the Committee will determine whether a conflict exists with support from the lay member responsible for Audit.

The committee will support officers with the Integrated Support and Assurance Processes (ISAP) Process and will receive regular reports as the procurement progresses.

## **8 Membership**

The Committee membership shall comprise:

- Lay Member Chair
- Lay Member, Deputy Chair
- Lay Member (Audit and Governance Chair)
- Accountable Officer
- Chief Finance Officer
- Executive Nurse
- Secondary Care Doctor
- Associate Director of Corporate Services
- Associate Director of Finance and Contracting

### **8.1 Attendance at Meetings**

- Legal Services Manager
- Administration Assistant

Any other Director, CCG employee or other agency may be required to attend at the Committee's request.

Neither the Chair nor the Vice Chair will be the Audit and Governance Committee Chair.

In the event of any member of the Committee not being able to attend they shall nominate a Deputy who shall have the same voting right as the member.

Membership may be reviewed by the Committee as required.

## **9 Quorum**

No business shall be transacted unless there are at least four members present, of which at least two shall be Governing Body members.

## **10 Attendance**

Regular attendance at Committee meetings leads to improved engagement and communications. In the event that an attendee is unable to attend a meeting it is their responsibility to ensure that a nominated deputy is properly briefed and empowered to act on their behalf. This deputy must not give rise to a conflict of interests.

Frequency of attendance by members and attendees will be reviewed by the Committee Chair at least annually.

## **11 Frequency**

The Committee will meet when required upon receipt of a request to the Chair or Vice Chair. The frequency of the meetings will be directly proportionate to the scale of the procurement exercise to which the Committee has been delegated responsibility for.

Seven calendar days' notice will be provided of the meeting and any documents to be considered / discussed at the meeting will be circulated to the Committee at least two calendar days prior to the meeting.

## **12 Declaration of Interests**

Members are required to declare interests prior to the commencement of the Committee and a register of interests will be maintained. The Chair is required to reconfirm this as a standing item on Committee agendas. As per the Standing Orders, individuals may be required to leave the meeting for relevant agenda items at the discretion of the Committee and will no longer count towards the quorum.

## **13 Review of Committee Effectiveness**

The Committee shall undertake a review of its effectiveness at least annually.

The Committee shall be subject to any review of the CCG Committees as required.

## **14 Conduct**

The members of the Committee must ensure that at all times they:

- Observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of the bodies concerned.
- Always strive to maximise value for money through ensuring that services are delivered in the most efficient and economical way, within available resources and with independent validation of performance achieved where practicable
- Are accountable to Parliament, to users, to individual citizens, and to staff for the activities of the bodies concerned, for their stewardship of public funds and the extent to which key performance targets and objectives have been met
- Comply fully with the principles of the Citizens charter and the Code of Practice on Access to Government Information, in accordance with Government Policy on openness
- Must comply with the Nolan's seven principles of public life
- Bear in mind the necessity of keeping comprehensive written records of their dealings, in line with general good practice in corporate documents.

## **15 Review of Terms of Reference**

The Committee shall review its Terms of Reference at least annually.