

**Agenda Item: 16.0**

<p style="font-size: 1.2em; font-weight: bold;"><i>Governing Body</i></p> <p style="font-size: 1.2em; font-weight: bold;"><i>held in public</i></p>	<p style="font-size: 1.5em; font-weight: bold;"><i>Report</i></p> <p>Date of Meeting:</p>
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<b>Report Title</b>	BCCG Scheme of Reservation and Delegation		
<b>Report Author</b>	<b>Presented By</b>	<b>Responsible Director</b>	
Janet Young Governance & Risk Manager	Mike Thompson Chief Operating Officer	Mike Thompson Chief Operating Officer	
<b>Purpose for presenting report</b>	To inform the governing body of the continued governance work around the new constitution and to gain approval of the attached document.		
<b>Action Required:</b>	For approval		
<b>Approval Route:</b>			
<b>Further Assurance:</b>	None		
<b>Which Strategic Objectives does this report provide evidence for?</b>			<b>Please Tick</b> ✓
We will commission high quality, safe and sustainable models of care that deliver effective clinical outcomes and patient experience using evidence based decisions and best practice			
We will ensure that there is a financially sustainable and affordable healthcare system in Bedfordshire.			
We will lead, engage and operate as an effective place based and STP wide system partner to achieve greater integration of care delivery.			
We will support local people and stakeholders to have an influence on services we commission to ensure our decisions are informed and shaped by local views and insights.			
We will operate and manage our Governing Body to the highest standards of accountability and transparency.			✓
<b>Implications/Assessments</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Have any financial implications been signed off by the Chief Finance Officer?			✓
Have any quality implications been signed off by the Director of Nursing & Quality?			✓
Have any privacy implications been signed off by the Head of Information Governance?			✓
Have any conflicts of interest implications been signed off by the Corporate Office?			✓
Have any public engagement implications been signed off by the Head of Communications & Engagement?			✓
Has an Equality Impact Assessment been carried out?			✓
<b>Key Risks</b>			
<b>Executive Summary</b>	The CCG's Scheme of Reservation and Delegation sets out decisions that are reserved for the membership and decisions that are the responsibilities of its governing body (and its committees), the CCG's committees and sub-		

committees, individual members and employees. It should be noted that the CCG remains accountable for all of its functions, including those that it has delegated.

Facere Melius, the governance consultants commissioned to produce our new Constitution, gave advice and support on the production of this document.

Once approved, The scheme of Reservation and Delegation will appear in the CCG governance handbook on our website.

This handbook is designed to give easy access to key governance information to support the executive team, senior managers and all staff to apply the CCG's governance arrangements in practice and to give insight to patients and the public on our arrangements. This handbook will provide detail on committee governance, standing orders and financial policies, standards of business conduct, as well as other areas of corporate governance.

## SCHEME OF RESERVATION & DELEGATION

### 1. SCHEDULE OF MATTERS RESERVED TO THE CLINICAL COMMISSIONING GROUP AND SCHEME OF DELEGATION

- 1.1. The arrangements made by the CCG as set out in this scheme of reservation and delegation of decisions shall have effect as if incorporated in the CCGs constitution.
- 1.2. The clinical commissioning group remains accountable for all of its functions, including those that it has delegated.
- 1.3. Unless stated in the CCGs constitution or in its scheme of reservation and delegation, the CCGs Accountable Officer has responsibility for the operational management of the CCG.

Ref No	Reserved or Delegated Matter	Matter Reserved to the Membership (and enacted through Members Forum)	Delegated To			Responsible for Recommending a course of action	Operational Responsibility
			Governing Body	Committee Or Sub Committee	Individual Member or Officer		
<b>1.</b>	<b>REGULATION AND CONTROL</b>						
1.1	Determine the arrangements by which the members of the CCG approve those decisions that are reserved for the membership.	✓				N/A	
1.2	Consideration and approval of applications to the NHS Commissioning Board (known as NHS England) on any matter concerning changes to the CCGs constitution, including terms of reference for the CCGs governing body, its committees, membership of committees, the overarching scheme of reservation and delegated powers, arrangements for taking urgent decisions, standing orders and prime financial policies.	✓				N/A	
1.3	Approve Constitution	✓				N/A	

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1.4	Exercise or delegation of those functions of the CCG which have not been retained as reserved by the CCG, delegated to the governing body or other committee or sub-committee or specified member or employee		✓			N/A	
1.5	Prepare for review by the governing body the CCGs overarching scheme of reservation and delegation, which sets out those decisions of the CCG <u>reserved</u> to the membership and those <u>delegated</u> to the <ul style="list-style-type: none"> <li>• CCGs governing body</li> <li>• committees and sub-committees of the CCG, or</li> <li>• its members or employees</li> </ul> and sets out those decisions of the governing body <u>reserved</u> to the governing body and those <u>delegated</u> to the <ul style="list-style-type: none"> <li>• governing body's committees and sub-committees,</li> <li>• members of the governing body,</li> <li>• an individual who is member of the CCG but not the governing body or a specified person for inclusion in the CCGs constitution.</li> </ul>				AO	N/A	
1.6	Approval of the CCGs overarching scheme of reservation and delegation.		✓			N/A	
1.7	Approval of the CCGs <u>operational</u> scheme of delegation that underpins the CCGs 'overarching scheme of reservation and delegation' as set out in its constitution.		✓			AO	
1.8	Approve Prime financial policies	✓				GB	CFO
1.9	Approve detailed financial policies that underpin the clinical commissioning CCGs prime financial policies, including the financial scheme of delegation		✓			CFO	CFO

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1.10	Approval of policies not specified elsewhere in this scheme of delegation			ICQC			
1.11	Approve <u>arrangements</u> for managing exceptional funding requests		✓			N/A	
1.12	Approve exceptional funding requests (within financial delegated limits)				Individual members appointed to make decisions on behalf of the CCG by the CCG to the joint individual Funding Request Panel established with other CCGs	N/A	
1.13	In approving Standing Orders, set out who can execute a document by signature / use of the seal	✓				N/A	Associate Director of Governance
<b>2</b>	<b>PRACTICE MEMBER REPRESENTATIVES</b>						
2.1	Approve the <u>arrangements</u> for: <ul style="list-style-type: none"> <li>identifying practice members to represent practices in matters concerning the work of the CCG; and</li> <li>appointing clinical leaders to represent the CCGs</li> </ul>	✓				Remuneration Committee	

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	membership on the CCGs governing body						
2.2	Approve the appointment of governing body members	✓				Remuneration Committee	
2.3	Approve the <u>process</u> for recruiting and removing non-elected members to the governing body (subject to any regulatory requirements) and succession planning		✓			Remuneration Committee	
2.4	Approve <u>arrangements</u> for identifying the CCGs proposed accountable officer		✓			Remuneration Committee	
<b>3</b>	<b>STRATEGY &amp; PLANNING</b>						
3.1	Agree the vision, values and overall strategic direction of the CCG		✓			Executive Management Committee	
3.2	Approval of the CCGs operating structure		✓			AO	AO
3.3	Approval of the CCGs commissioning plan		✓			Executive Committee	Chief Operating Officer
3.4	Approval of the CCGs corporate budgets that meet the financial duties as set out in section 5.3 of the main body of the constitution, as proposed by the CFO in accordance with the prime financial policies		✓			CFO	CFO

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3.5	Approval of variations to the approved budget where variation would have a significant impact on the overall approved levels of income and expenditure or the CCGs ability to achieve its agreed strategic aims		✓			CFO	CFO
<b>4</b>	<b>ANNUAL REPORTS &amp; ACCOUNTS</b>						
4.1	Approval of the CCGs annual report and annual accounts		✓			Audit Committee	
4.2	Approval of the arrangements for discharging the CCGs statutory financial duties		✓			CFO	CFO
<b>5</b>	<b>HUMAN RESOURCES</b>						
5.1	Approve the <u>arrangements</u> for determining the terms and conditions, remuneration and travelling or other allowances for governing body members, including pensions and gratuities		✓			Remuneration Committee	
5.2	Approve the terms and conditions, remuneration and travelling or other allowances for governing body members, including pensions and gratuities		✓			Remuneration Committee	
5.3	Approve terms and conditions of employment for all employees of the CCG including, pensions, remuneration, fees and travelling or other allowances payable to employees and to other persons providing services to the CCG		✓			Remuneration Committee	

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5.4	Approve any other terms and conditions of services for the CCGs employees		✓			Remuneration Committee	
5.5	Determine the terms and conditions of employment for all employees of the CCG		✓			Remuneration Committee	
5.6	Determine pensions, remuneration, fees and allowances payable to employees and to other persons providing services to the CCG		✓			Remuneration Committee	
5.7	Approve disciplinary arrangements for employees, including the accountable officer (where he/she is an employee or member of the CCG) and for other persons working on behalf of the CCG		✓			Remuneration Committee	
5.8	Approval of the arrangements for discharging the CCGs statutory duties as an employer		✓			Remuneration Committee	
5.9	Approve human resources policies for employees and for other persons working on behalf of the CCG			Quality & Safety Committee			
<b>6</b>	<b>QUALITY &amp; SAFETY</b>						
6.1	Approve <u>arrangements</u> , including supporting policies, to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes			Quality & Safety Committee			
6.2	Approve <u>arrangements</u> for supporting the NHS Commissioning Board in discharging its responsibilities in relation to securing continuous improvement in the quality of general medical services		✓			N/A	

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6.3	Approval of clinical, quality and safety strategies and policies			Quality & Safety Committee			
<b>7</b>	<b>OPERATIONAL &amp; RISK MANAGEMENT</b>						
7.1	Prepare and recommend an operational scheme of delegation that sets out who has responsibility for operational decisions within the CCG				AO		AO
7.2	Approve appointment of Internal Auditors, as proposed by the CFO, & approve the appointment of External Auditors		✓			Audit Panel	
7.3	Approve the CCGs counter fraud and security management arrangements				Audit Committee		
7.4	Approval of the CCGs risk management arrangements.		✓			<p>ICQC Committee recommends risk management arrangements for the CCG</p> <p>Assurance from Audit Committee following review by the relevant committee</p>	Review of risks, assurance and controls by Quality & Safety; Clinical Executive; or Finance Committees in accordance with each committee's remit (and as aligned to corporate objectives)

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7.5	Approve arrangements for risk sharing and or risk pooling with other organisations (for example arrangements for pooled funds with other clinical commissioning CCGs or pooled budget arrangements under section 75 of the NHS Act 2006)		✓				
7.6	Approval of a comprehensive system of internal control, including budgetary control, that underpin the effective, efficient and economic operation of the CCG		✓				
7.7	Approve arrangements for action on litigation against or on behalf of the clinical commissioning group		✓				
7.8	Approve the CCGs arrangements for business continuity and emergency planning.		✓			Executive Management Committee	
7.9	Approve the CCGs arrangements for handling complaints		✓			ICQC	
<b>8</b>	<b>INFORMATION GOVERNANCE</b>						
8.1	Approval of the arrangements for Information Governance, ensuring appropriate and safekeeping and confidentiality of records and for the storage, management and transfer of information and data			F&P			
<b>9</b>	<b>TENDERING &amp; CONTRACTING</b>						
9.1	Approval of the CCGs contracts for any commissioning support		✓			Executive Committee	
9.2	Approval of the CCGs contracts for corporate support (for example finance provision)		✓			Executive Committee	

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<b>10</b>	<b>PARTNERSHIP WORKING</b>						
10.1	Approve decisions that individual members or employees of the CCG participating in joint arrangements on behalf of the CCG can make. Such delegated decisions must be disclosed in this scheme of reservation and delegation and are set out below: <ul style="list-style-type: none"> <li>• Decisions in accordance with the ToR of the Partnership Forum including approval of HR policies</li> <li>• Decisions on high cost cancer drugs</li> </ul>		✓				
10.2	Approve decisions delegated to joint committees established under section 75 of the 2006 Act (relates to Local Health Boards)		✓				
<b>11</b>	<b>COMMISSIONING &amp; CONTRACTING FOR CLINICAL SERVICES</b>						
11.1	Approval of the arrangements for discharging the CCGs statutory duties associated with its commissioning functions, including but not limited to promoting the involvement of each patient, patient choice, reducing inequalities, improvement in the quality of services, obtaining appropriate advice and public engagement and consultation		✓			Various Committees	
11.2	Approve arrangements for co-ordinating the commissioning of services with other CCGs and or with the local authority(ies), where appropriate		✓				

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11.3	Make decisions and approve actions in relation to subjects recommended to it by external organisations, operating within the terms of this Constitution and within the agreed Terms of Reference for the committee					Appropriate Committees	
11.4	In approving the Constitution, approve actions in relation to the commissioning of primary care services as delegated by NHSE	✓					
11.5	Make decisions and approve actions in relation to the commissioning of primary medical services function (except those listed at 11.7 reserved to Governing Body).			Primary Care Commissioning Committee			
11.6	Primary care contract procurements			Primary Care Committee			
11.7	Approval of QOF		✓ Non-national schemes	✓ National schemes – Primary Care Committee			
<b>12</b>	<b>COMMUNICATIONS</b>						
12.1	Approving arrangements for handling Freedom of Information requests			ICQC Com.		AO	