

**‘HEALTH AND CARE BOARD’
TERMS OF REFERENCE OF THE HEALTH AND CARE SUB-COMMITTEE**

1. INTRODUCTION

- 1.1. Swindon Borough Council ("**Swindon Borough Council**") and Swindon Clinical Commissioning Group or its successor body ("**the CCG**") have a shared ambition to work together seamlessly to plan, commission and deliver better quality services. More joined up services help improve the health and care of the local populations and may make more efficient use of available resources.
- 1.2. A ‘Health and Care Board’ will jointly commission health and social care in Swindon. The establishment of the ‘Health and Care Board’ will encourage collaborative planning and improve outcomes through a unified approach to health and care planning and funding.
- 1.3. The CCG established a committee of the CCG Governing Body ("**the CCG Sub-Committee**") and Swindon Borough Council created a Cabinet Sub-Committee ("**the Health and Care Sub-Committee**"). The CCG Sub-Committee and the Health and Care Sub-Committee have delegated responsibilities to manage the commissioning responsibilities for the areas in the agreed scope. The CCG Sub-Committee and the Health and Care Sub-Committee will meet jointly as the ‘Health and Care Board’.
- 1.4. The ‘Health and Care Board’ has been established to ensure effective collaboration, assurance, oversight and good governance across the integrated commissioning arrangements between Swindon Borough Council and the CCG. The ‘Health and Care Board’ will develop and oversee the programme of work to be delivered by the Joint Commissioning Group, which is a committee of the ‘Health and Care Board’ with the terms of reference set out in Annex A. In addition, it will review and define the integrated commissioning arrangements between Swindon Borough Council and the CCG.
- 1.5. The frequency of meetings (para 9.1 of the terms of reference) has been left flexible to allow the working of the Health and Care Board to evolve, but dates will initially be set at bi-monthly intervals.
- 1.6. Swindon Borough Council and the CCG have established the new Sub-Committees to enable the ‘Health and Care Board’ to function as intended with the intention that the terms of reference of those committees substantially match, taking into account any necessary changes as a result of the different constitutions of Swindon Borough Council and the CCG.
- 1.7. The relationships between the Health and Wellbeing Board, the ‘Health and Care Board’, Swindon Borough Council, and the CCG are detailed in a diagram in Annex B.

2. SCOPE

- 2.1. The ‘Health and Care Board’ will act as a single health and wellbeing commissioning for outcomes body for Swindon.
- 2.2. The Health and Care Board’ may, where appropriate, propose a wider range of services and budgets subject to final approval of Swindon Borough Council and the CCG Governing Body.

3. ROLE AND RESPONSIBILITIES

- 3.1. To support the delivery of the Vision, the role and responsibility of the ‘Health and Care Board’ will include:

- 3.1.1. Oversee the performance of the current pooled budgets, as agreed by Council and Cabinet for Swindon Borough Council elements and the CCG Governing Body for the NHS within the scope of the Section 75 Agreement National Health Service Act 2006.
- 3.1.2. Consider arrangements for further alignment and pooling of budgets proposed by the Joint Commissioning Group.
- 3.1.3. Review the development of joint working of the joint commissioning functions started in April 2019. It is intended to enable the full integration of commissioning functions as well as assessment and review services for people with complex health and social care needs.
- 3.1.4. Work towards delivering an approach to aligned savings plans for 2019/20 and thereafter.
- 3.1.5. Commission a single outcomes based plan for Swindon which delivers the strategic objectives of Swindon Borough Council and the CCG and recommend to Swindon Borough Council and the CCG Governing Body for approval in relation to health and care services.
- 3.1.6. Commission the Joint Commissioning Group to develop an Operational Plan, which acts as a work programme for delivery of the commissioning strategy and recommend to the 'Health and Care Board'.
- 3.1.7. Provide assurance to Swindon Borough Council via Scrutiny and Overview and Scrutiny, and the CCG Board regarding the performance, costs and outcomes achieved of all commissioned services, ensuring statutory obligations are met.
- 3.1.8. Oversee the development of a fully developed governance structure to support integration of the services identified in scope in Annex A.
- 3.1.9. Approve a work plan and a development plan for the 'Health and Care Board' as an entity to facilitate understanding of the responsibilities that Swindon Borough Council and the CCG Board are planning to delegate to the Sub-Committees of the 'Health and Care Board' (through the CCG Sub-Committee Committee and the Health and Care Sub-Committee).

4. MEMBERSHIP

Organisation	Membership	Decision Making	
Swindon Borough Council	The Leader of the Council and three Cabinet Members	yes	
	Three Council officers	no	
Clinical Commissioning Group	2 Clinical Members	Yes	
	1 Lay Member	Yes	
	1 Executive Member	yes	

- 4.1. Members of the Health and Care Sub-Committee with delegated authority for the purposes of deciding proposals for the 'Health and Care Board' may only exercise such authority during meetings, save in cases of urgency where a decision may be taken outside the board meeting, but should be done in consultation with representatives of the other party where possible and appropriate. In the case of an urgent decision taken on behalf of the Council Committee, this must also be compliant with Rule 15 or 16 of the Council's Access to Information Procedure Rules. All such decisions should be reported to the next Board meeting.
- 4.2. The chair for one partnership organisation and the chair for the other partnership organisation can each appoint a substitute to attend in the place of any member of their respective organisation if the member unavailable to attend a meeting gives notice of substitution to them. (In respect of the Health and Care Sub-Committee only Cabinet members can be appointed as substitutes as set out in Annex C) The effect of notice shall be that the member giving notice of the substitution shall cease to be a member of the body for the duration of the meeting (including any adjournment of it to another date). The substitute member shall be a full member of the body for the same period.
- 4.3. The members of the Sub-Committees to the 'Health and Care Board' will act as the overall communication links to their organisation and relevant departments.

- 4.4. The CCG scheme for the appointment of substitute members or nominated deputies is attached at annex C. The 'Health and Care Board' shall be supported by:
- 4.4.1. Appropriate secretarial support;
 - 4.4.2. Key senior managers from Swindon Borough Council and the CCG as required;
 - 4.4.3. The relevant commissioning lead for each of the pooled budgets under the S75 Better Care Partnership Agreements will attend as appropriate to present the performance report for the S75 Partnership Agreement; and
 - 4.4.4. Managers from the Integrated Commissioning Team and supporting services as appropriate.
- 4.5. Subject to the agreement of Swindon Borough Council and the CCG Governing Body, the 'Health and Care Board' membership may be amended to include any other partner who jointly commissions with the Swindon Borough Council or Swindon Clinical Commissioning Group and other agency representatives may be co-opted as necessary.

5. CHAIR

- 5.1. There will be alternate chairing arrangements, shared between the Leader of Swindon Borough Council and the CCG Chair.

6. DECISION MAKING

- 6.1. The Health and Care Sub-Committee and the CCG Sub-Committee will meet jointly as the 'Health and Care Board'.
- 6.2. Majority decisions on the same resolution by each Sub-Committee are required to effect a proposal for the Health and Care Board. Decisions will be demonstrated by a show of hands by the Health and Care Sub-Committee and CCG Sub-Committee deciding separately. For a Council-led item, the Health and Care Sub-Committee will decide first and vice versa. In circumstances where a majority decision on the same resolution of each Sub-Committee cannot be reached, the matter will be deferred for further consideration by Swindon Borough Council and Swindon CCG and will be reconsidered after discussions between the Chair and respective partner lead.
- 6.3. In no circumstances may an absent member vote by proxy. Absence is defined as being absent at the time of the vote. See arrangements for substitution in para 4.2.
- 6.4. Functions outside the remit of the Health and Care Board, but related to health and social care may be discussed for information only at any meeting of the 'Health and Care Board'. Any decisions regarding such matters shall be made by the relevant partner organisation (Swindon Borough Council or the CCG).
- 6.5. Swindon Borough Council Cabinet decisions are subject to the Council's 'call-in' procedures. Therefore, the decisions of the Health and Care Sub-Committee cannot be implemented until the time for call-in has expired or the matter has been dealt with in accordance with Overview & Scrutiny Procedure Rules or an urgent decision has been taken pursuant to either Rule 15 or 16 of the Council's Access to Information Procedure Rules.
- 6.6. Where practicable, meetings of the 'Health and Care Board' shall be scheduled to allow all Council-related decisions to be called-in automatically to Scrutiny Committee, as is currently the case for Cabinet decisions and decisions by the Cabinet Panel on School Organisation.

7. QUORUM

- No business will be transacted at a meeting of the 'Health and Care Board' unless at least:
- 7.1.
- 7.1.1. Four representatives from Swindon Borough Council, and at least three of them are Cabinet Members; and

7.1.2. Three representatives from the CCG, and at least one of them is a Clinical Member and one Executive Member are present at the meeting.

- 7.2. If the Chair or another member of the 'Health and Care Board' has been disqualified from participating in the discussion on any matter by reason of a declaration of a conflict of interest, that individual will no longer count towards the quorum. If a quorum is then not available for the discussion and/or the passing of a resolution on any matter, that matter may not be decided at that meeting. Such a position will be recorded in the minutes of the meeting.

8. GOVERNANCE AND REPORTING

- 8.1. The Health and Care Sub-Committee of the 'Health and Care Board' will be accountable to Swindon Borough Council's Scrutiny Committee and Council meeting and the CCG Sub-Committee will be accountable to the CCG Governing Body.
- 8.2. The 'Health and Care Board' will work in partnership with the Health and Wellbeing Board and direct the work of the Joint Commissioning Group.

9. MEETINGS

- 9.1. The 'Health and Care Board' will meet at least three times a year, with frequency of meetings being determined by the business need. Formal minutes will be taken.
- 9.2. Before each meeting of the 'Health and Care Board', a written notice of the meeting specifying the business proposed to be transacted at it, and signed by the Chair, will be sent to every member (by email) so as to be available at least 5 working days before the meeting. Want of service of the notice to any member will not affect the validity of a meeting.
- 9.3. Agendas will be jointly agreed with support from the Joint Commissioning Group. A member who desires a matter to be included on an agenda, other than items agreed pursuant to paragraph 9.6 (which details arrangements for urgent decisions), should make a request to the Chair at least 28 working days before the meeting.
- 9.4. The meetings of the 'Health and Care Board' will be held in public, but members of the public may be excluded from any part of the meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, or for other special reason stated in the minutes, and arising from the nature of the business or of the proceedings. For a Council-led decision, the reasons for exclusion must comply with Schedule 12A of the Local Government Act 1972.
- 9.5. The Minutes of the proceedings of a meeting of the 'Health and Care Board' will be drawn up by Swindon Borough Council and submitted for agreement at the next meeting of the 'Health and Care Board', to be signed by the Chair presiding at it. No discussion will take place upon the minutes except upon their accuracy or where the Chair considers discussion appropriate. Any amendments to the minutes must be agreed and recorded at the next meeting.
- 9.6. In the event an urgent decision of the Sub-Committees of the 'Health and Care Board' is required, the request will be communicated to the Chairs, the Corporate Director (Council) and Chief Officer (CCG). The Chair may share common papers by email to the members of the Sub-Committees of the 'Health and Care Board' and request the agreement of each Sub-Committee in accordance with their urgent business procedure rules within a specified period of time. If agreement within the time period is reached, the Chair will record the decision and the decision will be presented at the next meeting of the 'Health and Care Board'. Where agreement cannot be reached, or time does not permit, the partner organisation with statutory responsibility for the function being exercised will make the decision in accordance with its own urgent business procedure rules. At the discretion of the Chair, items of urgent business can be noted for information but not decision.

Freedom of Information

- 9.7. It is acknowledged the agendas, minutes, decision notices and briefing papers of the meetings of the 'Health and Care Board' are subject to the provisions of the Freedom of Information Act 2000, the Environmental Information Regulations, the and the General Data Protection Regulations (Regulation(EU) 2016/679), and the Data Protection Act 2018.
- 9.8. If either Swindon Borough Council or the CCG receives a request for information under the Freedom of Information Act 2000 regarding the 'Health and Care Board', the relevant organisation shall consult the other before releasing any information; however, the recipient organisation shall be responsible for determining whether specific issues are exempt from publication under the Freedom of Information Act 2000.

10. SCRUTINY

- 10.1. Decisions of Members and Officers with delegated authority for the purpose of the 'Health & Care Board' will be subject to formal scrutiny through the Scrutiny arrangements of Swindon Borough Council

11. CONFLICT OF INTERESTS

- 11.1. The Health and Care Sub-Committee and the CCG Sub-Committee will be bound by the relevant Standing Orders/Standing Financial instructions and Code of Conduct of Swindon Borough Council and Swindon CCG respectively.
- 11.2. Members will be required to make annual declaration of interests and at each meeting of the Health and Care Board in accordance with paragraph 11.1.
- 11.3. Notwithstanding paragraph 11.2, the Chair will ask at the beginning of each meeting whether any member has an interest to declare in any item on the meeting agenda. If a member has a direct or indirect conflict with an issue on the agenda, it should be declared at the meeting and recorded in the minutes. Depending on the topic under discussion and the nature of the conflict of interest, appropriate action will be taken and recorded in the minutes.

12. REVIEW

- 12.1. Swindon Borough Council and the CCG may agree from time to time to modify, extend or restrict the remit of the Sub-Committees of the 'Health and Care Board'.
- 12.2. The terms of reference of each Sub-Committee will be reviewed at the request of the Chair.
- 12.3. The work of the 'Health and Care Board' is subject to both organisation's internal audit work plan and programme to review its effectiveness.

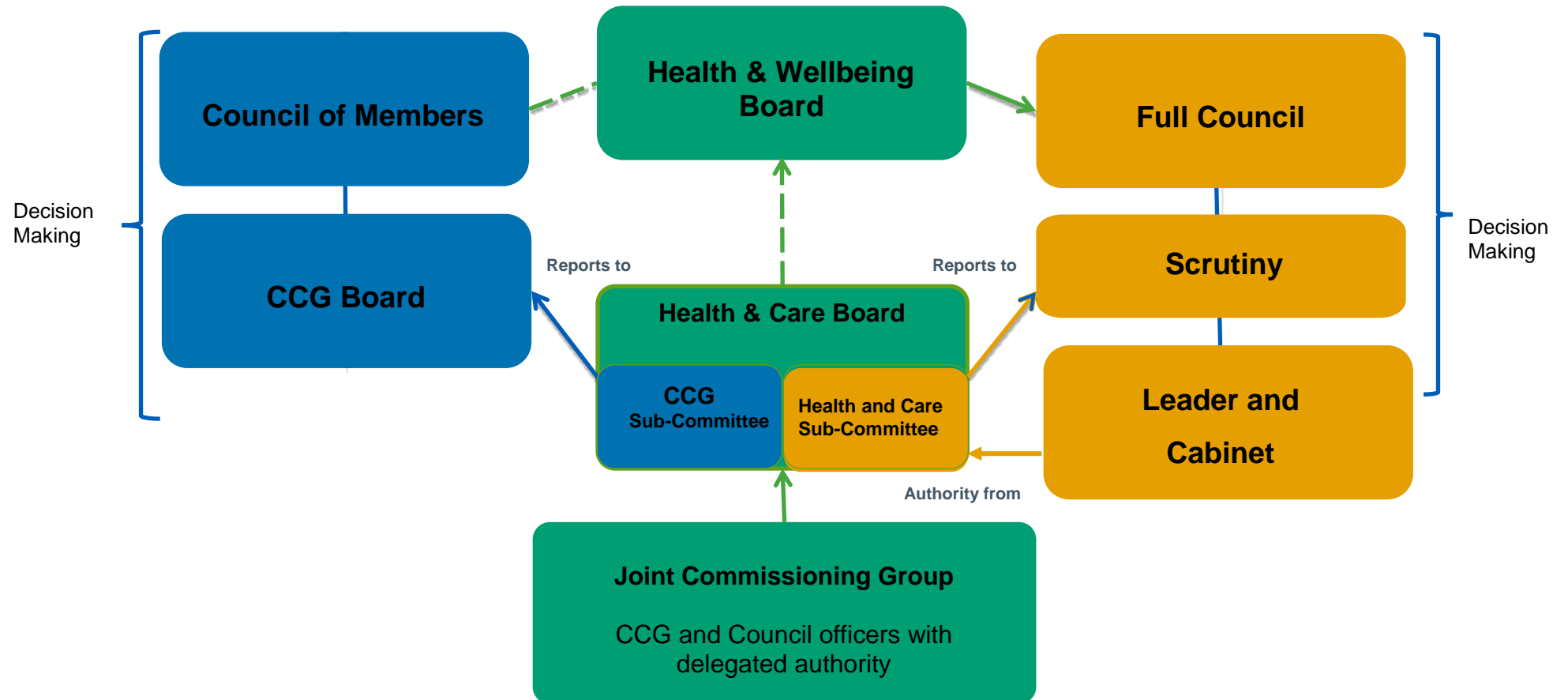
Annex A – Joint Commissioning Group Terms of Reference

The JCC shall:

1. Develop the overarching vision and development of further joint working between Swindon Borough Council and Swindon CCG and make recommendations to the 'Health and Care Board'.
2. Review joint service strategies, plans and performance and risk across the partnership.
3. Review savings and delivery plans by both organisations to ensure a shared understanding, to agree areas for an integrated approach and to mitigate against any negative impacts.
4. Develop integrated commissioning e.g. through exploring further options for pooled budgets and sharing of commissioning support functions.
5. Provide a forum for delegated decision-making on specific commissions and/or oversight of decisions being recommended to other decision-making bodies.
6. Recommend to the 'Health and Care Board' the strategic, business and financial plan for Swindon Borough Council and Swindon CCG;
7. Ensure that both partner organisations are aware of and comply with their legal and statutory obligations, and operate in a safe and legally compliant manner, taking appropriate professional advice where necessary;
8. Recommending to the 'Health and Care Board' a financial strategy to include any risk sharing or management arrangements;
9. Initiate and sign off procurement processes and outcomes for services in line with agreed strategy, within agreed financial limits, as set out in the appropriate organisations' delegated financial limits;
10. Make decisions to commission services in line with agreed strategy within agreed financial limits as set out in the appropriate organisations' delegated limits.
11. Manage and co-ordinate the overall communication and consultation process for Swindon Borough Council and Swindon CCG health and social care commissioning activities.
12. Ensure that the 'Health and Care Board' is well supported in its work.
13. Approve key operational policies



Governance Arrangements Annex B



Annex C Substitution Scheme – CCG Members of Health and Care Board

Member of the Committee	Substitution arrangements
The Leader of the Council	<ul style="list-style-type: none"> a) The Deputy Leader and Cabinet Member for Finance, Education, and Skills b) Any other Member of Cabinet
The Cabinet Member Adults and Health	<ul style="list-style-type: none"> a) Any other Member of Cabinet
The Cabinet Member Children's Services	<ul style="list-style-type: none"> a) Any other Member of Cabinet
The Cabinet Member Housing and Public Safety	<ul style="list-style-type: none"> a) Any other Member of Cabinet
The Executive Director BSW	
The Locality Director Swindon – BSW	
2 Clinical leads	