

- DRAFT -

CONSTITUTION, DUTIES AND FUNCTIONS OF SWINDON JOINT COMMISSIONING BOARD

1. NAME

The name of the Organisation is “The Swindon Joint Commissioning Board (“the Board”)

2. RESPONSIBILITIES

The Board’s responsibilities are, pursuant to Regulation 10 (2) of the NHS bodies and Local Authorities Partnership Arrangements Regulations 2000 no 617, to manage the partnership arrangements and in particular commission, monitor, ensure delivery of and evaluate health, social care, education and other related services for :

Children and young people and adults in Swindon (“The Services”) on behalf of Swindon Borough Council and the Swindon Primary Care Trust. From 2011-2013 Swindon PCT Board is managed as part of Swindon NHS and Gloucestershire NHS Cluster Board.

2.1 In its capacity as a Joint committee of Swindon Borough Council and of the Swindon Primary Care Trust shall exercise the responsibilities set out above

2.2 The Board will act within the Strategic Policy and Direction provided by the Swindon Borough Council Cabinet and Swindon PCT Board.

3. DUTIES AND PRINCIPAL FUNCTIONS

3.1 Commissioning and monitoring services, including:-

3.1.1 Planning, procuring and evaluation of the jointly commissioned and provided Services to ensure children and adults enjoy life, achieve, stay safe from harm, are healthy and grow up to be successful adults in a loving, caring environment and to include

3.1.2 Monitoring and ensuring delivery of all relevant targets and quality of services associated with children and young people and adults.

3.1.3 To ensure service users’ and carers’ views are properly represented in the planning and evaluation of services

3.1.4 To ensure best value for money through effective commissioning

- 3.1.5 To monitor the management of the Aligned and Pooled Funds to ensure the Funds do not overspend
- 3.1.6 Based on the monitoring and review of the commissioning agreements the Board will make annual recommendations as to commissioning intentions to Cabinet and the PCT Panel.
- 3.1.7 To approve minor service redesign and to recommend major service redesign to Cabinet and the PCT Board where there is a need for a diversity impact assessment and subsequent public and staff consultation
- 3.1.8 To oversee the work of Commissioners in the management of contracts with all relevant providers.

3.2 Corporate Governance

The Board shall carry out its functions in a manner that is consistent with the regulatory framework, including the Standing Orders and Standing Financial Instructions of the Swindon Primary Care Trust and the Swindon Borough Council

3.3 Reporting

- 3.3.1 The Board will prepare an annual Commissioning and Delivery Plan. The Board will also produce annually a report of its actions to the Swindon Borough Council, Swindon Primary Care Trust, the Clinical Commissioning Shadow Board of the PCT and the Health and Well Being Board through the Annual Performance Assessment. This report will describe how the Joint Commissioning Board has discharged its delegated responsibilities as set out above. It should include commentary on performance of providers, financial pressures and changes in need or service delivery.
- 3.3.2 The minutes of meetings of the Board shall be reported back to the Swindon Borough Council and Swindon Primary Care Trust.

3.4 Pooled/Aligned Fund

The Swindon Primary Care Trust and the Swindon Borough Council have agreed there will be an aligned budget for the Services to be commissioned and provided by the Board between the Swindon Primary Care Trust and the Swindon Borough Council. The Board will exercise control over the aligned/pooled budget through the Director for Children's Services and the Director of Adult Social Services, and account to the parties accordingly. This constitution forms part of the Agreement between the parties in respect of the Aligned/Pooled Funds entered into under section 75 of the National Health Service Act 2006

4. MEMBERSHIP

4.1 The members of the Children's Joint Commissioning Board will be made up of the following voting members.

Members (voting)

- 3 Members of Swindon Borough Council
- 3 Members of the Primary Care Trust Board who may be officer or non officer members of the PCT.

4.2 Members shall have the power to appoint alternates for any meeting of the Board in accordance with standing orders of the Swindon Primary Care Trust or the Swindon Borough Council as the case may be.

4.3 The Chair will be either a member of Swindon Borough Council or the Swindon Primary Care Trust

4.4 The Vice-Chair will be elected annually on a rotating basis

5. CO-OPTED MEMBERS

5.1 The Board may at its discretion co-opt not more than three non-voting members who will represent the Users of the Services and carers of Users of the services.

5.2 Non-voting members shall be entitled to attend at meetings and to speak but not to vote

5.3 Non-voting members of the board shall hold office for such period as the Board may determine unless their membership is terminated under Clause 8.1

6. ATTENDANCE BY OFFICERS

6.1 Officers shall be entitled to attend and speak at meetings of the Board.

7. LEAVING THE BOARD

A member of the Board shall cease to hold office if:

- 7.1 He or she notifies to the Board a wish to resign
- 7.2 He or she ceases to be a member of the organisations who are a party to this agreement.

8. INTERESTS OF BOARD MEMBERS

- 8.1 No member of the Board shall acquire any interest in property belonging to the Swindon Borough Council or the Swindon Primary Care Trust or receive remuneration or be interested (otherwise than as a member of the Board) in any contract entered into by the Board.
- 8.2 Members of the Board, observers and officers attending the Board shall comply with both the Local Government Code on Members Interests and the National Health Service Guidance on Business Ethics, to the extent that the same may properly be applied to the circumstances of this Board.

9 MEETINGS AND PROCEEDINGS OF THE BOARD

- 9.1 The Board shall hold at least 4 meetings each year. A special meeting may be called at any time by the chair or by any two members of the Board upon not less than 3 clear days' notice being given to the other members of the Board of the matters to be discussed.
- 9.2 If the chair is absent from any meeting, the vice chair shall chair the meeting. In the absence of both chair and vice chair the members of the Board present shall choose one of their number to be chair of the meeting before any other business is transacted.
- 9.3 There shall be a quorum when at least one voting member from the Swindon Primary Care Trust and one voting member from the Borough Council are present at a meeting.
- 9.4 Any resolution of the board requires the agreement of each agency who has or intends to contribute funding in relation to that resolution. Agreement to the resolution shall be by a majority of the members of the board nominated by the Swindon Primary Care Trust or a majority of the members of the Swindon Borough Council as the case may be. Such a resolution shall

take effect as a resolution of the joint committee, subject always to being within the powers delegated to it under this constitution.

- 9.5 The Board may from time to time make and alter rules for the conduct of their business, the summoning and conduct of their meetings including adjournments, and the custody of documents. No rule may be made which is inconsistent with this constitution. No rule may be made which would conflict with the legislation, regulations or standing orders governing any of the agencies who are members of the Board.
- 9.6 The Board may appoint one or more working groups or sub committees consisting wholly or partly of members of the Board for the purpose of making any inquiry or producing reports which in the opinion of the Board would be more conveniently undertaken or carried out by a working group or sub committee; provided that all acts and proceedings of any such working group shall be fully and promptly reported to the Board at its next meeting.
- 9.7 The Board shall keep minutes of the proceedings at meetings of the Board and any Committee or sub-committee. Such minutes shall be approved by the Board at its next meeting and signed by the chair of the Board and the chairs of the Committee or sub-committees. Duplicate copies of the signed minutes shall be kept by the Swindon Borough Council and Swindon Primary Care Trust.
- 9.8 The Board shall treat itself as being subject to the rules relating to public access to meetings. Members of the public may speak at the Chair's invitation. The Board may by resolution vote to exclude members of the public from all or any part of a meeting on the grounds set out in the Public bodies (Access to meetings) Act 1960.

10. NOTICES

- 10.1 Any notice required to be served on any member of the Board shall be in writing and shall be served by the secretary or the Board on any member either personally or by sending it through the post in a first class prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 3 days of posting.
- 10.2 Notice of meetings shall normally be sent 14 days in advance and in any event not less than 3 clear days before the date of the meeting.

11. ALTERATIONS TO THE CONSTITUTION

Subject to the following provisions of this clause the Constitution may be altered if a majority of the members from the Swindon Primary Care Trust and from the Swindon Borough Council respectively have voted in favour of the alteration

- 11.1 The notice of the meeting must include notice of the resolution, setting out the terms of the alteration proposed.
- 11.2 No amendment may be made to clause 1 (the name clause), clause 2 (the responsibilities clause), clause 3 (duties and principal functions clause), clause 8 (Interests of Board members clause), clause 12 (the dissolution clause) or this sub-clause.
- 11.3 No amendment may be made to this constitution, which would be in conflict with the legislation regulations or standing orders of any of the agencies.

12 DISSOLUTION

- 12.1 The Board may be dissolved upon either the Swindon Primary Care Trust or the Swindon Borough Council giving not less than 6 months notice to the other partners and to the Board

This constitution was adopted on the date mentioned above by Swindon Borough Council and Swindon Primary Care Trust.

Signed: _____

