

AMENDMENT TO THE TERMS OF REFERENCE - CONSTITUTION**COUNCIL****Date: 24 January 2018****CLASSIFICATION:****OPEN****WARD(S) AFFECTED****All Wards****Tim Shields , Chief Executive**

1. INTRODUCTION

- 1.1 At the Council meeting on 1 March 2017, Full Council considered a report proposing that Full Council approved amendments to the Constitution to reflect the establishment of the LBH Integrated Commissioning Committee and the Hackney Integrated Commissioning Board.
- 1.2 The LBH Integrated Commissioning Committee and the NHS City and Hackney Clinical Commissioning Group (CCG) Integrated Commissioning Committee meet in common and are known together as the Hackney Integrated Commissioning Board. There is a similar arrangement in place in the City in which the City of London Corporation Integrated Commissioning Sub-Committee and the CCG Commissioning Committee meet in common as the City Integrated Commissioning Board. This arrangement has been in place for nine months.
- 1.3 Each of the three Integrated Commissioning Committees agree that there would be benefit in the three committees meeting in common given that the majority of discussions at the boards are of interest to all three partners. It will also reduce unnecessary bureaucracy. This report therefore proposes that rather than meet as a Hackney ICB (LBH Integrated Commissioning Committee and CCG Integrated Commissioning Committee) City ICB (CoLC Integrated Commissioning Committee and CCG Integrated Commissioning Committee), a single Integrated Commissioning Board is established made up of the three committees, although each of the committees making up the Integrated Commissioning Board decisions will continue to reach its own decision on matters under consideration.
- 1.4 The report further proposes that Full Council approve the terms of reference for the single ICB including the agreement that any member of the LBH Committee who is unable to attend an ICB meeting may nominate a deputy who is a Cabinet Member to reflect the revised terms of reference for the Integrated Commissioning Board.

2. Recommendations

- 2.1 Full Council is recommended to:
 - I. Approve that a Single Integrated Commissioning Board is established made up of the existing three committees. This is set out in the revised Terms of Reference for the Integrated Commissioning Board as attached at Appendix 1 and that these replace the Terms of Reference currently in the Constitution in Part 3.3.

- II. Agree that any member of the LBH Committee who is unable to attend an ICB meeting may nominate a deputy who is a Cabinet Member.

3. Background

- 3.1 At its meeting on 27th February 2017, Cabinet approved a report proposing that the council enters into an integrated commissioning arrangements for health, social care and public health with the NHS City and Hackney Clinical Commissioning Group.
- 3.2 The current integrated commissioning governance is that the LBH Integrated Commissioning Committee and the CCG Integrated Commissioning Committee meet in common and are known together as the Hackney Integrated Commissioning Board. There is a similar arrangement in place in the CoLC Integrated Commissioning Sub-Committee and the CCG Commissioning Committee meet in common as the City Integrated Commissioning Board.
- 3.3 The integrated commissioning structure has been in place since 1 April 2017 and both the Hackney Integrated Commissioning Board and the City Integrated Board have met monthly since their first meeting in May 2017.

4 Establishment of a Single Integrated Commissioning Board

- 4.1 As set out in 1.3 above, each of the three Integrated Commissioning Committees agree that there would be benefit in the three committees meeting in common. This report therefore proposes a single Integrated Commissioning Board is established made up of the three committees.
- 4.2 The terms of reference for the single Integrated Commissioning Board have been developed by the legal teams of the two local authorities and the legal advisers for the CCG. The terms of reference are currently going through partners' governance routes for approval as set out below:
 - For approval: CCG Governing Body - 22 December 2017 (approved)
 - For approval: City of London Community and Children's Services Committee – 12 January 2018
 - For approval: Hackney Council- 24 January 2018
 - For noting ICBs – 31 January 2018.
- 4.3 Whilst it is being proposed that the LBH Integrated Commissioning Committee, the CoLC Integrated Commissioning Sub-Committee and the CCG Integrated Commissioning Committee meet in common as the Integrated Commissioning Board, each Integrated Commissioning Committee will continue to reach its own decisions on any matter under

consideration. Therefore the LBH Integrated Commissioning Committee will continue to have the authority to make decisions on behalf of LBH in line with the terms of reference and the scheme of delegation.

- 4.4 The members of the LBH Committee and the CCG Committee will continue to manage the Pooled Funds for which they have been assigned authority in accordance with a section 75 agreement in place between LBH and the CCG (“Hackney Pooled Funds”) and shall have no authority in respect of City Pooled Funds. Similarly the members of the COLC Committee and the CCG Committee will manage the Pooled Funds for which they have been assigned authority in accordance with a section 75 agreement in place between COLC and the CCG (“City Pooled Funds”) and shall have no authority in respect of Hackney Pooled Funds.
- 4.5 The quorum for the LBH Integrated Commissioning Committee is two of the three Council members. Full Council is asked to agree that any member of the LBH Committee who is unable to attend an ICB meeting may nominate a deputy who is a Cabinet Member.

4. Legal Considerations

- 4.1 The Council has entered into the integrated commissioning arrangements for health, social care and public health with the NHS City and Hackney Clinical Commissioning Group. This was approved by Cabinet on the 27th February 2017. The approval to amend the Constitution to insert the terms of reference followed at full council on the 1st March 2017.

The current terms of reference which provide the governance arrangements for this are located in the Constitution at section 3.3.

The proposed amendments to the Terms of reference in the Constitution have been agreed upon following legal advice from the individual organisation respective legal teams and as such the Councils Constitution needs to be amended to reflect the changes set out in the recommendation above in this report.

5. Financial Considerations

- 5.1 This report recommends to Council:
- a single Integrated Commissioning Board is established made up of the existing three committees with terms of reference as set out at Appendix 1

- any member of the LBH Committee who is unable to attend an ICB meeting may nominate a deputy who is a Cabinet Member.

5.3 The members of the LBH Committee and the CCG Committee manage the Pooled Funds for which they have been assigned authority in accordance with a section 75 agreement in place between LBH and the CCG (“Hackney Pooled Funds”). The section 75 was signed on 27th November 2017 under the authority delegated by Cabinet on 27th February 2017. Schedule one of the agreement sets out the funds ‘pooled’ and ‘aligned’ which are included below.

Fund type: Pooled Vs Aligned	CCG £'000	LBH £'000	2017/18 TOTAL £'000
A. S75 'Pooled' Budgets			
1. Unplanned Care			
-BCF	14,683	-	14,683
-IIT	3,653	-	3,653
-IBCF		1,593	1,593
-Learning Disabilities			0
	18,336	1,593	19,929
2. Planned Care			
-BCF (<i>LA figs is funding from DGF Capital</i>)	721	1,299	2,020
-Learning Disabilities	5,278	16,017	21,295
-iBCF Local Authority allocation*		5,643	5,643
	5,999	22,959	28,958
3. Prevention			
-BCF		-	0
Total Contribution into 'Pooled' budgets	24,335	24,552	48,887
B. 'Aligned' Budgets			
Aligned - Planned Care*	178,579	38,849	217,428
Aligned - Unplanned Care	107,151	3,859	111,010
Aligned - Children/Young people	43,503	-	43,503
Aligned - Prevention	3,649	34,867	38,516
Aligned - Corporate	19,966		19,966
Total Contribution into 'Aligned' budgets	352,847	77,575	430,422
Total Integrated Commissioning Fund	377,182	102,127	479,309

- 5.4 Under, the recommendations proposed by this report, the LBH Integrated Commissioning Committee will continue to have the authority to make decisions on behalf of LBH in line with the terms of reference and the scheme of delegation in relation to 'pooled' funds. Decisions in relation to 'aligned' funds remain within the remit of the Council's scheme of delegation.
- 5.5 Following the Cabinet decision of 27th February 2017, CCG engagement with NHS England regarding the integrated commissioning arrangements restricted pooling to funds which were already pooled, namely the Better Care Fund and Learning Disabilities. As a result a greater proportion of LBH budgets within the scope of these arrangements are within 'aligned' funds.
- 5.5 The financial detail provided above is for background purposes and there are no financial implications arising from the recommendations of this report.

APPENDICES

Appendix 1: Terms of Reference of the City of London Corporation Integrated Commissioning Sub-Committee, the London Borough of Hackney Integrated Commissioning Committee and the NHS City & Hackney Clinical Commissioning Group Integrated Commissioning Committee (known collectively as the "Integrated Commissioning Board")

BACKGROUND PAPERS

Publication of Background Papers used in the preparation of reports is required

Description of document – No documents

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