

Northumberland Primary Care Co-Commissioning Committee

17 February 2016

Agenda Item: 6.2

Delegated Agreement

Sponsor: Julie Ross

Members of the Northumberland Primary Care Co-Commissioning Committee are asked to:

- 1. Approve the draft Delegated Agreement and delegate administration of final submission to the Strategic Head of Corporate Affairs.**
- 2. Approve the Primary Care Commissioning Committee Terms of Reference.**

Background

In December 2015, the NHS England Regional Director (North) confirmed that NHS Northumberland Clinical Commissioning Group's (the CCG) submission to take forward delegated commissioning arrangements on 1 April 2016 had been approved, and that delegated responsibility for NHS England specified general medical care, in accordance with the functions set out in a subsequent delegation agreement, would be forthcoming.

Up until the budgets and responsibility for primary care commissioning are delegated formally by NHS England, the CCG will reserve the right to withdraw from the expression of interest should unforeseen risks to the CCG emerge during that time.

Governance

On the understanding that the CCG continues to reserve the right to withdraw the application should the circumstances outlined above materialise CCG localities have supported the delegation submission and therefore delegated authority from 1 April 2016.

The CCG's constitution will be amended to reflect the revised arrangements. Agreement has been reached with NHS England's North Regional Team's Assurance and Delivery Directorate that the CCG revised governance arrangements for delegated commissioning can be approved by 31 March 2016. This will allow for the CCG's members to approve the proposed amendments at the member's meeting on 10 March 2016.

The Primary Care Commissioning Committee's Terms of Reference will be submitted with the constitutional amendments. They have previously been agreed by the NHS England regional team and have been amended following the December 2015 meeting of the Primary Care Co-Commissioning Committee. They are at Appendix 1 for final approval.



The Delegated Agreement

In 2014/15 NHS England agreed with CCGs a standardised set of primary medical functions for delegated arrangements and 63 CCG's subsequently signed up to the associated Delegation Agreement from 1 April 2015.

The Delegation Agreement sets out the detailed arrangements for how the CCG will exercise its delegated functions. To ensure a consistency of approach, there is one standard from that NHS England and each CCG are required to sign. CCGs should not seek local variations to the Delegation Agreement. 52 CCGs are expected to sign the 1 April 2016 agreement.

The Delegated Agreement is divided into the following three sections:

- The Particulars – contain the sections which require local completion.
- The Terms and Conditions – contain the terms and conditions governing the delegation of the primary medical care commissioning functions to the CCG and how these are to be exercised by the CCG.
- The Schedules – contain further detailed provisions including in relation to the Delegated Functions, the Reserved Functions, finances, staffing and other provisions.

A draft Delegation Agreement is at Appendix 2 for approval. The following amendments have been made to the standard template:

- The Particulars have been completed in accordance with the guidance received from NHS England and discussions with the NHS England local team.
- After discussion with the NHS England local team, Schedule 7 has been amended to reflect "There are no Local Terms". It is considered that any form of Memorandum of Understanding between the CCG and the NHS England Area Team would have no material effect on the Delegation Agreement Terms and Conditions however, if developed before the Delegated Agreement is submitted it may be required to be included.

Once the Delegation Agreement has been signed by the CCG and NHS England, NHS England will issue a signed copy of the Delegation. This is the formal legal document that sets out the statutory delegation of primary care commissioning functions to the CCG.

Recommendation

The committee are asked to consider and agree the draft Delegation Agreement and the revised Terms of Reference.

Appendix 1: Revised Terms of Reference.

Appendix 2: Draft Delegation Agreement.