

Paper Summary Sheet

Presented to:	Primary Care Commissioning Committee
Date of Meeting:	25 September 2018
For:	Decision

Agenda Reference:	PCCC/18/09/08
Title:	Primary Care Commissioning Committee Annual Report September 2018
Executive summary:	
<p>The Primary Care Commissioning Committee (PCCC) was established as a sub-committee of the NHS Wiltshire CCG Governing Body. Its primary role is to function as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers.</p> <p>The PCCC provides the forum to make collective decisions on the review, planning and procurement of primary care services in Wiltshire CCG, including those under delegated authority from NHS England.</p> <p>The role of the PCCC shall be:</p> <ul style="list-style-type: none"> • To carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act. • To plan, including needs assessment, primary medical care services in Wiltshire CCG • To undertake reviews of primary medical care services in Wiltshire • To co-ordinate a common approach to the commissioning of primary care services • To manage the budget for commissioning of primary medical care services in Wiltshire • To undertake and deliver a primary medical care strategy for Wiltshire CCG • To undertake and deliver an estates strategy across Wiltshire CCG • To manage and continuously review the Wiltshire CCG 'Primary Care Offer' <p>During 2017/18 the PCCC has continued to review and develop its role through the management of the agenda and work plan. It has been able to give varying levels of assurance on all the areas defined in its objectives. It is recognised that there is a continuous need to review the systems and processes established to provide the intelligence to identify commissioning issues which require improvement. In addition the need for a review of the governance and reporting structure for Primary Care has been identified.</p>	
Recommendations:	The committee is asked to approve the annual report.
Previously considered by:	N/A
Author(s):	Tracey Strachan – Deputy Director of Primary Care Victoria Stanley– Primary Care Commissioning Manager
Sponsoring Director / Clinical Lead/ Lay Member:	Jo Cullen, Director for Urgent and Primary Care
Risk and Assurance:	Identified risks are recorded on the risk register

Financial / Resource Implications:	N/A
Legal, Policy and Regulatory Requirements:	Five Year Forward View GP Forward View NHS Act 2006 (as amended by the Health and Social Care Act 2012)
Communications and Engagement:	Not exempt under FOI
Equality & Diversity Assessment:	No direct impact from the update in this paper

Primary Care Commissioning Committee

Annual Report September 2018

1 Introduction

NHS England (NHSE) delegated authority to the Wiltshire Clinical Commissioning Group (CCG) for the commissioning of primary care in accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended) in April 2017.

The Wiltshire CCG Primary Care Commissioning Committee (PCCC) was established in April 2017, succeeding the Primary Care Joint Committee. The PCCC functions as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers.

2 Overview

The PCCC is a formal sub-committee of the Governing Body with defined terms of reference, which are attached as Appendix 1. This report is aligned to these terms of reference (TORs).

3 Membership and Meetings

There were 4 scheduled meetings and 3 extraordinary PCCC meetings during 2017/18.

Membership and attendance has been as follows:

VOTING MEMBERS	Attendances
Chair of the Committee Lay member, Wiltshire CCG – Christine Reid	7
Vice Chair of the Committee Lay member, Wiltshire CCG – Dr Mark Smithies	3
Clinical Chair of Wiltshire CCG - Dr Peter Jenkins (to September 2017) - Dr Richard Sandford-Hill (from October 2017)	3 2
Accountable Officer, Wiltshire CCG – Linda Prosser	3
Chief Finance Officer, Wiltshire CCG – Steve Perkins Nominated rep – Deputy CFO – Sujata McNab	4 1
Director of Primary and Urgent Care, Wiltshire CCG – Jo Cullen	7
Director of Nursing and Quality / Registered Nurse, Wiltshire CCG – Dina McAlpine	5

Governing Body GP, Wiltshire CCG (Sarum) – Dr Toby Davies Dr Chet Sheth	6 1 and in part 1
Governing Body GP, Wiltshire CCG (NEW) – Dr Andrew Girdher	6
Governing Body GP, Wiltshire CCG (West) – Dr Catrinel Wright Dr Richard Sandford Hill	2 1
OTHER NON-VOTING ATTENDEES	
Local Medical Committee representative – Carol Cusack or Gareth Bryant	3
Standing invitation Healthwatch representative – Chris Graves (to July 2018)	3
Standing invitation Health and Wellbeing representative – Baroness Jane Scott`	0
Standing invitation Public Health representative – Baroness Jane Scott	0
Standing invitation Director of Commissioning, NHS England South Central – Debra Elliot – Rachel Pearce	3 1
Standing invitation Head of Primary Care, NHS England South Central – Nikki Holmes	1

5 Evidence and work of the Committee in discharging its duties

The duties of the QCGC are set out in detail in the Terms of Reference but can be summarised as:-

1. Commissioning of primary medical services under section 83 of the NHS Act, including:
 - GMS, PMS and APMS contracts
 - Newly designed enhanced services
 - Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF)
 - Decision making on whether to establish new GP practices in an area
 - Approving practice mergers
 - Making decisions on 'discretionary' payments
2. To plan, including needs assessment, primary medical care services in Wiltshire CCG
3. To undertake reviews of primary medical care services in Wiltshire
4. To co-ordinate a common approach to the commissioning of primary care services
5. To manage the budget for commissioning of primary medical care services in Wiltshire
6. To undertake and deliver a primary medical care strategy for Wiltshire CCG
7. To undertake and deliver an estates strategy across Wiltshire CCG
8. To manage and continuously review the Wiltshire CCG 'Primary Care Offer'

The work of the Committee in discharging its duties was as follows:

1. Commissioning of primary medical services under section 83 of the NHS Act

- The primary care team report on contractual issues and requests monthly to the Primary Care Operational Group. Recommendations from this group are taken to the PCCC for decision.
- During 2017/18 the PCCC agreed:
 - Two practice mergers
 - One branch surgery closure.
 - Two boundary changes
 - Three GMS space increases
- The PCCC receives regular reports on the transition of services from NHS England including associated risks.

2. To plan, including needs assessment, primary medical care services in Wiltshire CCG

The PCCC have focussed on the transition of delegated services from NHS England and maintaining current services in the challenging primary care workforce situation. Planned changes include further implementation of the GP Forward View and establishment of Improved Access services.

3. To undertake reviews of primary medical care services in Wiltshire

This has not yet taken place

4. To co-ordinate a common approach to the commissioning of primary care services

The primary care team are actively working with STP colleagues to agree a common approach whilst ensuring it meets the CCGs needs

5. To manage the budget for commissioning of primary medical care services in Wiltshire

Data sharing issues with the practices have impacted on the ability to manage and report on the budget in a timely way. These issues have now been resolved but some data quality issues remain.

6. To undertake and deliver a primary medical care strategy for Wiltshire CCG

A high level strategy has been produced by Attain but this has not yet been published.

7. To undertake and deliver an estates strategy across Wiltshire CCG

The Strategic Estates Group is now taking the lead on producing a Wiltshire wide estates strategy to include primary care. The PCCC will approve the primary care elements of this strategy.

8. To manage and continuously review the Wiltshire CCG Primary Care Offer (PCO)

The Primary Care Oversight Board has looked at the detail of the PCO and has agreed further work with individual practices and localities to ensure the schemes meet the revised criteria. Recommendations for change will be approved by the PCCC.

9. Other areas of work

- The Communications team and the Chair have worked closely with the PPGs, to develop their involvement and contribution to the services.
- The Quality team produce quarterly reports on quality in primary care, focussing on the safety, patient experience and effectiveness of services.
- A Primary Care Quality Surveillance Group was set up and had its first meeting in March 2018.
- Further development of the practice quality and performance dashboard has been undertaken, with joint working across the primary care and quality teams.

6 Internal Audit

A review of primary care commissioning was undertaken in 2017 by Price Waterhouse Cooper (CCG internal auditors). Recommendations from this report have been implemented and a further internal audit review will take place in 2018/19.

7 Conclusions

The sub-committee has discharged its obligations as set out in the Terms of Reference. It has evidenced that it has managed the commissioning of delegated services from NHS England, had oversight of the transition process and made decisions as required.

APPENDIX 1

Primary Care Commissioning Committee Terms of Reference

Date Approved by Primary Care Commissioning Committee: 26 June 2018
Date Approved by Governing Body: 24 July 2018

Introduction

1. NHS England (NHSE) has delegated authority to the Wiltshire Clinical Commissioning Group (CCG) for the commissioning of primary care in accordance with its statutory powers under section 13Z of the National Health Service Act 2006 (as amended). NHS England has delegated the exercise of the functions specified in Schedule 2 to these Terms of Reference to Wiltshire CCG. The delegation is set out in Schedule 1.
2. The CCG has established the Wiltshire CCG Primary Care Commissioning Committee (“Committee”) as a Committee of the Wiltshire CCG Governing Body. The Committee will function as a corporate decision-making body for the management of the delegated functions and the exercise of the delegated powers.
3. It is a committee comprising representatives of the following organisations:
 - Lay Chair
 - Lay member
 - Wiltshire CCG
 - Healthwatch
 - Wessex Local Medical Committee (LMC)
 - Public Health
 - Health and Wellbeing Board/Wiltshire Council

Statutory Framework

4. NHS England has delegated to the CCG authority to exercise the primary care commissioning functions set out in Schedule 2 in accordance with section 13Z of the NHS Act.
5. Arrangements made under section 13Z may be on such terms and conditions (including terms as to payment) as may be agreed between the Board and the CCG.
6. Arrangements made under section 13Z do not affect the liability of NHS England for the exercise of any of its functions. However, the CCG acknowledges that in exercising its functions (including those delegated to it), it must comply with the statutory duties set out in Chapter A2 of the NHS Act and including:

- a) Management of conflicts of interest (section 14O);
- b) Duty to promote the NHS Constitution (section 14P);
- c) Duty to exercise its functions effectively, efficiently and economically (section 14Q);
- d) Duty as to improvement in quality of services (section 14R);
- e) Duty in relation to quality of primary medical services (section 14S);
- f) Duties as to reducing inequalities (section 14T);
- g) Duty to promote the involvement of each patient (section 14U);
- h) Duty as to patient choice (section 14V);
- i) Duty as to promoting integration (section 14Z1);
- j) Public involvement and consultation (section 14Z2).

7. Wiltshire CCG will also need to specifically, in respect of the delegated functions from NHS England, exercise those in accordance with the relevant provisions of section 13 of the NHS Act

- To assist and support NHSE in discharging its duty under Section 13E of the NHS Act 2006 (as amended by the Health and Social Care Act 2012) so far as relating to securing continuous improvement in the quality of primary medical services

8. The Committee is established as a committee of the Wiltshire CCG Governing Body in accordance with Schedule 1A of the “NHS Act”.
9. The members acknowledge that the Committee is subject to any directions made by NHS England or by the Secretary of State.

Role of the Committee

10. The Committee has been established in accordance with the above statutory provisions to enable the members to make collective decisions on the review, planning and procurement of primary care services in Wiltshire CCG, under delegated authority from NHS England.
11. In performing its role the Committee will exercise its management of the functions in accordance with the agreement entered into between NHS England and Wiltshire CCG, which will sit alongside the delegation and terms of reference.

12. The functions of the Committee are undertaken in the context of a desire to promote increased co-commissioning to increase quality, efficiency, productivity and value for money and to remove administrative barriers.
13. The role of the Committee shall be to carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act.
14. This includes the following:
 - GMS, PMS and APMS contracts (including the design of PMS and APMS contracts, monitoring of contracts, taking contractual action such as issuing branch/remedial notices, and removing a contract);
 - Newly designed enhanced services (“Local Enhanced Services” and “Directed Enhanced Services”);
 - Design of local incentive schemes as an alternative to the Quality Outcomes Framework (QOF);
 - Decision making on whether to establish new GP practices in an area;
 - Approving practice mergers; and
 - Making decisions on ‘discretionary’ payment (e.g., returner/retainer schemes).
15. Wiltshire CCG will also carry out the following activities:
 - a) To plan, including needs assessment, primary medical care services in Wiltshire CCG;
 - b) To undertake reviews of primary medical care services in Wiltshire;
 - c) To co-ordinate a common approach to the commissioning of primary care services generally
 - d) To manage the budget for commissioning of primary medical care services in Wiltshire.
 - e) To undertake and deliver a primary medical care strategy for Wiltshire CCG
 - f) To undertake and deliver an estates strategy across Wiltshire CCG
 - g) To manage and continuously review the Wiltshire CCG ‘Primary Care Offer’

Geographical Coverage

16. The Committee will comprise of Wiltshire CCG with a standing invitation to Healthwatch and a Health and Wellbeing representative. It will undertake the function of commissioning primary medical services for Wiltshire CCG

Membership

17. The Committee shall consist of the following list of members as included within Schedule 3

VOTING MEMBERS
The Chair of the Committee shall be Lay member, Wiltshire CCG
The Vice Chair of the Committee shall be Lay member, Wiltshire CCG
Clinical Chair of Wiltshire CCG

Accountable Officer, Wiltshire CCG
Chief Finance Officer, Wiltshire CCG
Director of Primary and Urgent Care, Wiltshire CCG
Director of Nursing and Quality / Registered Nurse, Wiltshire CCG
Governing Body GP, Wiltshire CCG
Governing Body GP, Wiltshire CCG
Governing Body GP, Wiltshire CCG ¹
OTHER NON-VOTING ATTENDEES
Local Medical Committee representative
Standing invitation Healthwatch representative
Standing invitation Health and Wellbeing representative
Standing invitation Public Health representative
Standing invitation Director of Commissioning, NHS England South Central
Standing invitation Head of Primary Care, NHS England South Central

The Committee may invite any person to attend meetings to provide advice and/or expertise as required.

Meetings and Voting

18. The Committee will operate in accordance with the CCG’s Standing Orders. The Secretary to the Committee will be responsible for giving notice of meetings. This will be accompanied by an agenda and supporting papers and sent to each member representative no later than five days before the date of the meeting. When the Chair of the Committee deems it necessary in light of the urgent circumstances to call a meeting at short notice, the notice period shall be such as s/he shall specify.
19. Each voting member of the Committee shall have one vote. The Committee shall reach decisions by a simple majority of members present, but with the Chair having a second and deciding vote, if necessary. However, the aim of the Committee will be to achieve consensus decision-making wherever possible.

Quorum

20. Four members of the Committee must be present for the meeting to be quorate:
 - at least one lay member; and
 - at least two CCG members including the Accountable Officer or the Chief Finance Officer (or their nominated representatives); and
 - at least one Governing Body GP

¹ GP’s hold voting rights on the committee unless in the instance of decisions on procurement issues and the deliberations leading up to the decision and, where the potential provider for services is a GP. Wiltshire CCG, ‘Standards of Business Conduct Policy, 2016; NHS England, ‘Managing Conflicts of Interest: Revised Statutory Guidance for CCG’s’, 2016

Frequency of meetings

21. Meetings will take place on a quarterly basis and at such other times as required through invoking the approved decision making framework.
22. Meetings of the Committee shall:
 - a) be held in public, subject to the application of 23(b);
 - b) the Committee may resolve to exclude the public from a meeting that is open to the public (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time.
23. Members of the Committee have a collective responsibility for the operation of the Committee. They will participate in discussion, review evidence and provide objective expert input to the best of their knowledge and ability, and endeavour to reach a collective view.
24. The Committee may delegate tasks to such individuals, sub-committees or individual members as it shall see fit, provided that any such delegations are consistent with the parties' relevant governance arrangements, are recorded in a scheme of delegation, are governed by terms of reference as appropriate and reflect appropriate arrangements for the management of conflicts of interest..
25. The Committee may call additional experts to attend meetings on an ad hoc basis to inform discussions.
26. Members of the Committee shall respect confidentiality requirements as set out in the CCG's Constitution.
27. The Committee will present its minutes to South Central Area Team of NHS England and the governing body of Wiltshire CCG each quarter for information, including the minutes of any sub-committees to which responsibilities are delegated under paragraph 24 above.
28. The CCG will also comply with any reporting requirements set out in its constitution.
29. The Terms of Reference will be reviewed at least annually with final approval being sought from Wiltshire CCG. Amendments will be made, where appropriate, to reflect any updated national model terms of reference and local need.

Accountability of the Committee

30. The Committee to have delegated authority from Wiltshire CCG Governing Body:
- To carry out the functions relating to the commissioning of primary medical services under section 83 of the NHS Act
 - To assist and support NHS England in discharging its duty under section 13E of the NHS Act 2006 (as amended by the Health and Social Care Act 2012) so far as relating to securing continuous improvement in the quality of primary medical services.
 - To work with NHS England to agree rules for areas such as the collection of data for national data sets, equivalent of what is collected under QOF, and IT intra-operability.
 - To comply with public procurement regulations and with statutory guidance on conflicts of interest
 - To consult with Local Medical Committee and demonstrate improved outcomes reduced inequalities and value for money when developing a local QOF scheme or DES.
 - To approve the arrangements for discharging the group's statutory duties associated with its GP practice 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.

Procurement of Agreed Services

The below is taken from the Next Steps in primary care co-commissioning document for further guidance on this please see link below.

<https://www.england.nhs.uk/commissioning/wp-content/uploads/sites/12/2014/11/nxt-steps-pc-cocomms.pdf>

31. The committee must comply with public procurement regulations and with statutory guidance on conflicts of interest. The committee may vary or renew existing contracts for primary care provision or award new ones, depending on local circumstances. If the committee fails to secure an adequate supply of high quality primary medical care, NHS England may direct the CCG to act.
32. If the Committee are found to have breached public procurement regulations and/or statutory guidance on conflicts of interest, NHS Improvement may direct the CCG or NHSE to act. NHS England may, ultimately, revoke the CCG's delegation. Any proposed new incentive schemes should be subject to consultation with the Local Medical Committee and be able to demonstrate improved outcomes, reduced inequalities and value for money.

Consistent with the NHS Five Year Forward View and working with CCGs, NHS England reserves the right to establish new national approaches and rules on expanding primary care provision – for example to tackle health inequalities.

Decisions

33. The Committee will make decisions within the bounds of its remit.
34. The decisions of the Committee shall be binding on NHS England and Wiltshire CCG.
35. The Committee will produce an executive summary report which will be presented to South Central Area Team of NHS England and the governing body of Wiltshire CCG each year for information.