

**Berkshire West Clinical Commissioning Group**

**Constitution**

**Part IV**

1. **SCHEDULE OF MATTERS RESERVED TO THE CCG AND SCHEME OF DELEGATION**

1.1 The Health Act 2006 as amended provides the CCG with powers to delegate the CCG's functions to certain bodies and certain persons. Decisions on reservation and delegation of functions will be made by the CCG in formal session through the Council of Members.

1.2 The CCG remains accountable for all of its functions, including those that it has delegated. Where an office is vacant, or a committee is not in existence, the responsibility for a function reverts to the CCG, unless specifically otherwise expressed in the Constitution or directed by the CCG.

Policy Area	Decision	Reserved to the Membership	Reserved or delegated to Governing Body	Officer	Committees and Subcommittees
1. REGULATION AND CONTROL	1.1 Determine the arrangements by which the members of the CCG approve those decisions that are reserved for the membership.	x			
1. REGULATION AND CONTROL	1.2 Consideration and approval of applications to NHS England on any matter concerning changes to the CCG's constitution, including terms of reference for the CCG's governing body, its committees, membership of committees, the overarching scheme of reservation and delegated powers, arrangements for taking urgent decisions, standing orders and prime financial policies.	x			
1. REGULATION AND CONTROL	1.3 Exercise or delegation of those functions of the clinical commissioning CCG which have not been retained as reserved by the CCG, delegated to the governing body or other committee or subcommittee or any member or employee		x		
1. REGULATION AND CONTROL	1.4 Prepare the CCG's overarching scheme of reservation and delegation, which sets out those decisions of the CCG <u>reserved</u> to the membership and those <u>delegated</u> to the CCG's governing body committees and subcommittees of the CCG, or its members or employees and sets out those decisions of the governing body <u>reserved</u> to the governing body and those <u>delegated</u> to the <ul style="list-style-type: none"> <li>o governing body's committees and subcommittees,</li> </ul>			Chief Officer	

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	<ul style="list-style-type: none"> <li>o members of the governing body,</li> <li>o an individual who is member of the CCG but not the governing body or a specified person for inclusion in the CCG's constitution.</li> </ul>				
1. REGULATION AND CONTROL	1.5 Approval of the CCG's overarching scheme of reservation and delegation.	x			
1. REGULATION AND CONTROL	1.6 Prepare the CCG's operational scheme of delegation, which sets out those key operational decisions delegated to individual employees of the CCG, not for inclusion in the CCG's constitution.			Chief Officer	
1. REGULATION AND CONTROL	1.7 Approval of the CCG's operational scheme of delegation that underpins the CCG's 'overarching scheme of reservation and delegation' as set out in its constitution.		x		
1. REGULATION AND CONTROL	1.8 Prepare detailed financial policies that underpin the clinical commissioning CCG's prime financial policies.			Chief Finance Officer	
1. REGULATION AND CONTROL	1.9 Approve detailed financial policies.				Audit Committee
1. REGULATION AND CONTROL	1.10 Approve arrangements for managing exceptional funding requests.		x		
1. REGULATION AND CONTROL	1.11 Set out who can execute a document by signature / use of the seal		x		
1. REGULATION AND CONTROL	1.12 Appoint and dismiss Committees and subcommittees accountable to the Governing Body		x		
1. REGULATION AND CONTROL	1.13 Apply to NHS England to amend the Constitution (except amendments required by law or regulations)	x			
1. REGULATION AND CONTROL	1.14 Apply to NHS England to <ul style="list-style-type: none"> <li>o change geography</li> <li>o change name of CCG</li> </ul>	x			

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	<ul style="list-style-type: none"> <li>o merge with another CCG</li> <li>o remove any member of the CCG</li> </ul>				
1. REGULATION AND CONTROL	1.15 Enter into externally financed development agreements	x			
1. REGULATION AND CONTROL	1.16 Approve any changes to the delivery of assurance services to the CCG	x			
1. REGULATION AND CONTROL	1.17 Approve levels of non -pay expenditure		x		
2. PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY	2.1 Approve the arrangements for <ul style="list-style-type: none"> <li>o identifying practice members to represent practices in matters concerning the work of the CCG; and</li> <li>o appointing clinical leaders to represent the CCG's membership on the CCG's governing body, for example through election (if desired).</li> </ul>	x			
2. PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY	2.2 Approve the appointment of governing body members, the process for recruiting and removing non-elected members to the governing body (subject to any regulatory requirements) and succession planning.	x			
2. PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY	2.3 Approve arrangements for identifying the CCG's proposed Chief Officer.		x		
2. PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY	2.4 Extend terms of office of members in exceptional circumstances	x			
2. PRACTICE MEMBER REPRESENTATIVES AND MEMBERS OF THE GOVERNING BODY	2.5 Removal of Governing Body Member	x			

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3. STRATEGY AND PLANNING	3.1 Agree or change the vision, values and overall strategic direction of the CCG.	x			
3. STRATEGY AND PLANNING	3.2 Approval of the CCG's operating structure.	x			
3. STRATEGY AND PLANNING	3.3 Approval of the CCG's commissioning/operational plan.	x			
3. STRATEGY AND PLANNING	3.4 Approval of the CCG's corporate budgets that meet the financial duties		x		
3. STRATEGY AND PLANNING	3.5 Approval of variations to the approved budget where variation would have a significant impact on the overall approved levels of income and expenditure or the CCG's ability to achieve its agreed strategic aims.		x		

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3. STRATEGY AND PLANNING	3.8 Approval of QIPP Business cases and release of finance from allocated reserves		For decisions of a financial value in excess of £1m		QIPP and Finance Committee for decisions of a financial value up to and including £1m
3. STRATEGY AND PLANNING	3.9 Setting terms of reference and policy for the Case Review Committee and the Appeals Panel		x		
3. STRATEGY AND PLANNING	3.10 Decision making in relation to the terms of reference and policy for Individual Funding Requests made at the Case Review Committee			GP representatives on the Case Review Committee	
3. STRATEGY AND PLANNING	3.11 Decision making in relation to the terms of reference and policy for Individual Funding Requests made at the Appeals Panel			GP representatives on the Appeals Panel	
3. STRATEGY AND PLANNING	3.12 Approval of joint commissioning arrangement with NHS England for the exercise of CCG functions		x		
3. STRATEGY AND PLANNING	3.13 Approval of joint commissioning arrangements with NHS England for the exercise of NHS England functions, or arrangements for the exercise of functions fully delegated by NHS England to the CCG.		x		
4. ANNUAL REPORTS AND ACCOUNTS	4.1 Approval of the CCG's annual report	x			
4. ANNUAL REPORTS AND ACCOUNTS	4.2 Approval of Annual Accounts				Audit Committee
4. ANNUAL REPORTS AND ACCOUNTS	4.3 Approval of the arrangements for discharging the CCG's statutory financial duties.		x		

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5. HUMAN RESOURCES	5.1 Approve the terms and conditions, remuneration and travelling or other allowances for governing body members, including pensions and gratuities.				Remuneration Committee
5. HUMAN RESOURCES	5.2 Approve terms and conditions of employment for all employees of the CCG including, pensions, remuneration, fees and travelling or other allowances payable to employees and to other persons providing services to the CCG.				Remuneration Committee
5. HUMAN RESOURCES	5.3 Determine the terms and conditions of employment for employees of the CCG which are not required to be considered and approved by the Remuneration Committee			Chief Officer	
5. HUMAN RESOURCES	5.4 Determine pensions, remuneration, fees and allowances payable to employees and to other persons providing services to the CCG.				Remuneration Committee
5. HUMAN RESOURCES	5.5 Recommend pensions, remuneration, fees and allowances payable to employees and to other persons providing services to the CCG. which are not required to be considered and approved by the Remuneration Committee			Chief Officer	
5. HUMAN RESOURCES	5.6 Approve disciplinary arrangements for employees, including the accountable officer (where he/she is an employee or member of the CCG) and for other persons working on behalf of the CCG.				Remuneration Committee
5. HUMAN RESOURCES	5.7 Review disciplinary arrangements where the accountable officer is an employee or member of another CCG		x		
5. HUMAN RESOURCES	5.8 Approval of the arrangements for discharging the CCG's statutory duties as an employer.		x		
5. HUMAN RESOURCES	5.9 Approve human resources policies for employees and for other persons working on behalf of the CCG		x		

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5. HUMAN RESOURCES	5.10 Appoint Chair and Vice Chair of Governing Body	x			
5. HUMAN RESOURCES	5.11 Approve non contractual payments to staff e.g. bonus payments to ensure value for money and probity				Remuneration Committee
6. QUALITY AND SAFETY	6.1 Approve arrangements, including supporting policies, to minimise clinical risk, maximise patient safety and to secure continuous improvement in quality and patient outcomes.		x		
6. QUALITY AND SAFETY	6.2 Approve arrangements for supporting NHS England in discharging its responsibilities in relation to securing continuous improvement in the quality of general medical services.		x		
6. QUALITY AND SAFETY	6.3 Approve arrangements, including supporting policies, to ensure the CCG fulfils its statutory duties with regards to Safeguarding Children and Adults		x		
6. QUALITY AND SAFETY	6.4 Approve arrangements, including supporting policies, to ensure the CCG fulfils its statutory duties with regards to Equality		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.1 Approve an operational scheme of delegation recommended by the CO that sets out who has responsibility for operational decisions within the CCG.		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.1 Approve the CCG's counter fraud arrangements		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.2 Approval of the CCG's risk management arrangements.		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.3 Approve arrangements for risk sharing and or risk pooling with other organisations (e.g. Arrangements for pooled funds with other clinical commissioning CCGs or pooled budgets under section 75 of the NHS Act 2006).		x		



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7. OPERATIONAL AND RISK MANAGEMENT	7.4 Approval of a comprehensive system of internal control, including budgetary control, that underpin the effective, efficient and economic operation of the CCG		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.5 Approve proposals for action on litigation against or on behalf of the clinical commissioning CCG.		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.6 Approve the CCG's arrangements for business continuity and emergency planning.		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.7 Approve the CCG's arrangements for handling complaints.		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.8 Approve CCG Procurement Strategy		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.9 Approve CCG Banking arrangements				Audit Committee
7. OPERATIONAL AND RISK MANAGEMENT	7.10 Appoint and ensure effectiveness of Operational Leadership Team		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.11 Establish systems and processes to implement effective governance and management of conflicts and probity issues		x		
7. OPERATIONAL AND RISK MANAGEMENT	7.12 Approve fees and charges other than those determined by NHS England or statute taking independent professional advice as appropriate			Chief Finance Officer	
8. INFORMATION GOVERNANCE	8.1 Approval of the arrangements for ensuring appropriate and safekeeping and confidentiality of records and for the storage, management and transfer of information and data.		x		
9. TENDERING AND CONTRACTING	9.1 Approval of the CCG's contracts for any commissioning support.			Chief Officer /Chief Financial Officer	
9. TENDERING AND	9.2 Approval of the CCG's contracts for corporate				

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CONTRACTING	support (for example finance provision).			per Scheme of Financial Delegation	
10. PARTNERSHIP WORKING	10.1 Approve decisions that individual members or employees of the CCG participating in joint arrangements on behalf of the CCG can make.		x		
10. PARTNERSHIP WORKING	10.2 Consider and approve recommendations made in joint committees.			Chief Officer	
10. PARTNERSHIP WORKING	10.3 Approve decisions delegated to joint committees established under section 75 of the 2006 Act.			Chief Officer	
11. COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES	11.1 Approval of the arrangements for discharging the CCG's statutory duties associated with its 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.		x		
11. COMMISSIONING AND CONTRACTING FOR CLINICAL SERVICES	11.2 Approve arrangements for co-ordinating the commissioning of services with other CCGs and or with the local authority(ies), where appropriate			Chief Officer	
12. COMMUNICATIONS	12.1. Approving arrangements for handling Freedom of Information requests. Determining arrangements for handling Freedom of Information requests.			Chief Officer	
12. COMMUNICATIONS	12.2 Approve consultation arrangements for CCG's commissioning plan		x		

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