

Report to the NHS Somerset Clinical Commissioning Group on 25 March 2021

Title: Re-appointment of CCG Governing Body Chair	Enclosure C
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Summary and Purpose of Paper

The attached report sets out the background and governance framework that surrounds the appointment of the CCG Governing Body Chair.

The Governing Body extended the tenure of Dr Ed Ford as CCG Chair in April 2020 for a further 12 months whilst a separate process to fill the Member Practice delegate vacancies would be undertaken.

Dr Ford was re-appointed as a Governing Body Member Practice delegate for an additional three year term until 31 March 2024.

The Governing Body met on 25 February 2021 and considered the re-election of its Chair during the private section of the meeting and the re-appointment of Dr Ford was unanimously approved. Communication to all Member Practices to advise them of the recommendation was carried out following the meeting.

The Governing Body is now being asked to formally ratify the decision.

Recommendations and next steps

The Governing Body is asked to Ratify the decision approved on 25 February 2021 to re-appoint Dr Ed Ford as Chair for an additional three year term until 31 March 2024.

Impact Assessments – key issues identified

Equality	N/A
Quality	N/A
Privacy	N/A

Engagement	Engagement with relevant stakeholders carried out in accordance with the CCG Constitution.			
Financial / Resource	N/A			
Governance or Legal	Process carried out in accordance with the CCG Constitution.			
Report History	The Governing Body approved the re-appointment of Dr Ford as CCG Chair for a further 3 year term during the part B meeting on 25 February 2021.			
Risk Description	Need to ensure that the CCG Governing Body leadership is maintained in accordance with tis governance framework.			
Risk Rating	Consequence	Likelihood	RAG Rating	GBAF Ref

RE-APPOINTMENT OF CCG CHAIR

1 BACKGROUND

- 1.1 Dr Ed Ford was appointed as CCG Governing Body Interim Chair with effect from 1 June 2016. In accordance with the CCG constitution at that time, the Clinical Operations Group (COG) made a recommendation that Dr Ed Ford, as one of the then Federation representatives, be appointed as Interim Clinical Chair of the Governing Body, for the period that Dr Matthew Dolman was seconded to the role of Senior Responsible Officer for the Sustainability and Transformation Plan: this recommendation was approved by the Governing Body. The Chair position for Dr Ed Ford was later confirmed as permanent from 1 January 2017, when Dr Matthew Dolman resigned from the role.
- 1.2 In 2018/19 an internal CCG governance review was carried out during which the CCG Member Practice representation model was reviewed and, as a result, the process for appointing Member Practice delegates was revised. The COG was replaced by the Clinical Executive Committee and the Locality representative model was enhanced so that the four Member Practice representatives on the Governing Body would represent all the Member Practices in Somerset, and that they would be appointed following an application and interview process for the roles.
- 1.3 Towards the end of 2020 applications were sought from member practices for expressions of interest for GP practice representatives to renew the Governing Body membership. Following the completion of this application and interview process, Dr Ford has been reappointed as a Governing Body Member and therefore he is now eligible for a further term as CCG Chair to be considered by the Governing Body.

2 LEGAL FRAMEWORK

- 2.1 Under the NHS (Clinical Commissioning Groups) Regulations 2012 (“the Regulations”), a CCG’s Governing Body must have a Chair “*to be appointed by the CCG for a term to be determined by the CCG*”. As a result, it is the CCG as a whole that has the power to appoint a Chair rather than the Governing Body - this of course includes its membership.
- 2.2 However, it should be noted that Section 14L of the NHS Act 2006 provides that a CCG’s Governing Body shall have “*such other functions connected with the exercise of its main function as may be specified in the group’s constitution or by regulations*”. This means the CCG can delegate other functions, such as appointment of the Chair, to the

Governing Body.

2.3 The CCG's Constitution, which incorporates the Standing Orders, provides that "*The Governing Body, on behalf of the Group, will appoint a GP Member Practice delegate as its Chair.*" As a result the CCG has delegated its functions to appoint a Chair, to the Governing Body.

2.4 The legal framework does not set out a prescribed process as to how the Chair should be appointed: therefore there is an element of discretion here, as long as the CCG follows its own processes in this regard.

3 TERMS OF OFFICE

3.1 The Terms of Office for the Chair of Somerset Clinical Commissioning Group, as set out in the Constitution, outline the following:

3.2 There is no constitutional limit on the number of consecutive terms a Chair may serve. However, Somerset CCG is aware that best practice as set out in the Guide to Corporate Governance, and Monitor's equivalent guidance for Foundation Trusts, indicates that independence is at risk of being lost after two consecutive three-year terms.

3.3 The Regulations and the Standing Orders allow for re-appointment of the Chair providing the Chair continues to meet the eligibility criteria.

3.4 The Standing Orders set out the process in section 2 (the clinical commissioning group: composition of membership, key roles and appointment process) and is extracted below:

a) The Chair of the Governing Body

i) Nomination and Election

The Governing Body, on behalf of the Group, will appoint a GP Member Practice delegate as its Chair. The Chair will be a member of the Governing Body and of the Clinical Executive Committee.

ii) Eligibility

Providers of primary medical services (on the Somerset performers list) to a registered list of patients, the majority of whom reside in the Group's area, under a General Medical Services, Personal Medical Services or Alternative Provider Medical Services contract in Somerset. The Accountable Officer of the Group is disqualified from being the Chair.

iii) Terms of Office

Up to 3 years.

iv) Eligibility for Reappointment

The Chair is eligible for reappointment, subject to satisfaction of the eligibility criteria listed at 2.3.2.

v) Grounds for Removal from Office

Gross misconduct, losing clinical registration, the Governing Body determines that the Member Practices have lost the confidence in his/her Member Practice delegate or where 1/3 of member practices ask for a vote of member practices and there is a majority vote of no-

confidence, where a pecuniary interest constitutes a conflict of such significance to warrant removal from office, failure to comply with the Standing Orders, Scheme of Reservation and Delegation and Prime Financial Policies.

vi) **Notice Period**

3 months, in writing to the Accountable Officer and to the Governing Body.

4 RE-APPOINTMENT PROCESS

4.1 The CCG Governing Body considered a paper during the Part B meeting held on 25 February 2021 which proposed to re-elect Dr Ford as Chair of Somerset CCG for a further three years..

Eligibility for Re-appointment

4.2 The Governing Body reviewed the requirements of the CCG Constitution and Standing Orders and, in particular, the conditions that may preclude the reappointment of Dr Ford, in particular:

- If the appointee no longer meets the criteria to be eligible to hold the appointment under the terms of the NHS Regulations for CCGs 2012
- If the Governing Body has identified a need to change the balance of skills
- If an annual appraisal or sequence of appraisals is unsatisfactory
- If the individual no longer enjoys the confidence of the Governing Body
- If the individual loses the confidence of members in a substantial way
- If there is a terminal breakdown in relationships
- Adequate skills and performance of the individual
- The wider needs and requirements of the CCG
- Legal obligations where the role is a statutory position

4.3 The Governing Body concluded that there were no grounds to prevent re-appointment and identified no concerns which would contraindicate the renewal of Dr Ed Ford's term as Chair of the CCG.

Authority to Appoint the CCG Chair

4.4 The Governing Body reviewed the legislative framework and agreed that it was permitted, under the Regulations and CCG Governance Framework, to appoint the CCG Chair.

4.5 The re-appointment of Dr Ed Ford as CCG Chair was duly approved by the Governing Body on 25 February 2021.

5 RECOMMENDATIONS

5.1 The Governing Body is asked to Ratify the decision approved on 25 February 2021 to re-appoint Dr Ed Ford as Chair for an additional three year term until 31 March 2024.