

APPENDIX C – STANDING ORDERS

1. STATUTORY FRAMEWORK AND STATUS

1.1. Introduction

- 1.1.1. These standing orders have been drawn up to regulate the proceedings of the NHS South Lincolnshire Clinical Commissioning Group so that the CCG can fulfil its obligations, as set out largely in the 2006 Act, as amended by the 2012 Act and related regulations. They are effective from the date the CCG is established.
- 1.1.2. The standing orders, together with the CCG's scheme of reservation and delegation¹ and the CCG's prime financial policies², provide a procedural framework within which the CCG discharges its business. They set out:
- a) the arrangements for conducting the business of the CCG;
 - b) the appointment of member practice representatives;
 - c) the procedure to be followed at meetings of the CCG, the Governing Body and any committees or sub-committees of the CCG or the Governing Body;
 - d) the process to delegate powers;
 - e) the declaration of interests and standards of conduct.

These arrangements must comply, and be consistent where applicable, with requirements set out in the 2006 Act (as amended by the 2012 Act) and related regulations and take account as appropriate³ of any relevant guidance.

- 1.1.3. The standing orders, scheme of reservation and delegation and prime financial policies have effect as if incorporated into the CCG's constitution. CCG members, employees, members of the Governing Body, members of the Governing Body's committees and sub-committees, members of the CCG's committees and sub-committees and persons working on behalf of the CCG should be aware of the existence of these documents and, where necessary, be familiar with their detailed provisions. Failure to comply with the standing orders, scheme of reservation and delegation and prime financial policies may be regarded as a disciplinary matter that could result in dismissal.

1.2. Schedule of matters reserved to the clinical commissioning group and the scheme of reservation and delegation

- 1.2.1. The 2006 Act (as amended by the 2012 Act) provides the CCG with powers to delegate the CCG's functions and those of the Governing Body to certain bodies (such as committees) and certain persons. The CCG has decided that certain decisions may only

¹ See Appendix D

² See Appendix E

³ Under some legislative provisions the group is obliged to have regard to particular guidance but under other circumstances guidance is issued as best practice guidance.

be exercised by the CCG in formal session. These decisions and also those delegated are contained in the CCG's scheme of reservation and delegation (see Appendix D).

2. THE CLINICAL COMMISSIONING GROUP: COMPOSITION OF MEMBERSHIP, KEY ROLES AND APPOINTMENT PROCESS

2.1. Composition of membership

2.1.1. Chapter 3 of the CCG's constitution provides details of the membership of the CCG (also see Appendix B).

2.1.2. Chapter 6 of the CCG's constitution provides details of the governing structure used in the CCG's decision-making processes, whilst Chapter 7 of the constitution outlines certain key roles and responsibilities within the CCG and its Governing Body, including the role of practice representatives (section 7.1 of the constitution).

2.2. Key Roles

2.2.1. Paragraph 6.9.2 of the CCG's constitution sets out the composition of the CCG's Governing Body whilst Chapter 7 of the CCG's constitution identifies certain key roles and responsibilities within the CCG and its Governing Body. These standing orders set out how the CCG appoints individuals to these key roles.

2.2.2. The **Chair** as listed in paragraphs 6.9.2 (a) and 7.4 of the CCG's constitution, is subject to the following appointment process:

- a) **Nominations** – nominated from amongst the six GP members sitting on the Governing Body;
- b) **Eligibility** – any GP member on the Governing Body;
- c) **Appointment process** – appointed by the Council of Members.
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms;
- f) **Grounds for removal from office** – if the individual ceases to be a clinician within a member practice, or by a majority vote of at least two-thirds of the Council of Members;
- g) **Notice period** – three months written notice.⁴

2.2.3. The **Deputy Chair** as listed in paragraph 7.5 of the CCG's constitution, is subject to the following appointment process:

- a) **Nominations** – must be one of the Lay Members, usually the Lay Member Governance, Audit and Risk;
- b) **Eligibility** – must be one of the CCG Lay Members.
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG's Governing Body;
- d) **Term of office** – three years;

⁴ Notice periods for elected members of the Governing Body may be waived in exceptional circumstances
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- e) **Eligibility for reappointment** – maximum two consecutive terms after which may re-apply through a public recruitment process;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – eligible to resign with immediate effect as not a CCG employee.

2.2.4. The **Clinical Vice Chair** as listed in paragraph 7.6 of the CCG’s constitution, is subject to the following appointment process:

- a) **Nominations** – nominated from amongst the six GP Members sitting on the Governing Body;
- b) **Eligibility** – any GP member on the Governing Body;
- c) **Appointment process** – appointed by the Governing Body;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms;
- f) **Grounds for removal from office** – if the individual ceases to be a clinician within a member practice, or by a majority vote of at least two-thirds of the Council of Members;
- g) **Notice period** – three months written notice.

2.2.5. The **four additional GP members** as listed in paragraph 7.2 of the CCG’s constitution, are subject to the following recruitment process:

- a) **Nominations** – from the practice representatives;
- b) **Eligibility** – any practice representative;
- c) **Appointment process** – election by vote of Council of Members;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms;
- f) **Grounds for removal from office** – if the individual ceases to be a clinician within a member practice, or by a majority vote of at least two-thirds of the Council of Members;
- g) **Notice period** – three months written notice to the CCG’s Chair.

2.2.6. The **practice representatives** as listed in paragraph 7.1 of the CCG’s constitution, are subject to the following recruitment process:

- a) **Nominations** – selected from amongst the member practices’ clinical staff;
- b) **Eligibility** – any member practice clinician;⁵
- c) **Appointment process** – appointment by the member practice;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – no limit;
- f) **Grounds for removal from office** – if the individual ceases to be a clinician within a member practice or by a majority vote of at least two-thirds of the Council of Members;
- g) **Notice period** – three months written notice to the CCG’s Chair.

2.2.7. The Lay Member, Patient and Public Involvement as listed in paragraph 6.9.2 (c) of the CCG’s constitution, is subject to the following recruitment process:

⁵ See Appendix A for a definition of *clinician*

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms after which may re-apply through a public recruitment process;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – eligible to resign with immediate effect as not a CCG employee.

2.2.8. The Lay Member, Governance, Audit and Risk as listed in paragraph 6.9.2 (c) of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms after which may re-apply through a public recruitment process;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – eligible to resign with immediate effect as not a CCG employee.

2.2.9. The Lay Member, Finance and Primary Care Commissioning as listed in paragraph 6.9.2 (c) of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two consecutive terms after which may re-apply through a public recruitment process;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – eligible to resign with immediate effect as not a CCG employee.

2.2.10. The **registered nurse (CCG Chief Nurse)** as listed in paragraph 6.9.2 (d) of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any registered nurse meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;

- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body;
- d) **Grounds for removal from office** – breach of contract;
- e) **Notice period** – six months written notice to the CCG’s Chair.

2.2.11. The **secondary care specialist doctor** as listed in paragraph 6.9.2 (e) of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body;
- d) **Term of office** – three years;
- e) **Eligibility for reappointment** – maximum two terms after which may re-apply through a public recruitment process;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – eligible to resign with immediate effect as not a CCG employee.

2.2.12. The **Accountable Officer** as listed in paragraphs 6.9.2 (f) and 7.7 of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body and the NHS England Authority;
- d) **Term of office** – unlimited;
- e) **Eligibility for reappointment** – not applicable;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – six months written notice to the CCG’s Chair.

2.2.13. The **Chief Finance Officer** as listed in paragraphs 6.9.2 (g) and 7.8 of the CCG’s constitution, is subject to the following recruitment process:

- a) **Nominations** – self nomination in response to a public invitation from the CCG;
- b) **Eligibility** – any member of the public meeting the guidance in the NHS England Authority’s *Clinical commissioning group Governing Body members: Role outlines, attributes and skills*;
- c) **Appointment process** – appointment following interview and selection by representatives of the CCG’s Governing Body and the NHS England Authority;
- d) **Term of office** – unlimited;
- e) **Eligibility for reappointment** – not applicable;
- f) **Grounds for removal from office** – breach of contract;
- g) **Notice period** – six months written notice to the Accountable Officer.

2.2.14. The roles and responsibilities of key roles are set out either in paragraph 6.9.2 or Chapter 7 of the CCG’s constitution.

3. MEETINGS OF THE CLINICAL COMMISSIONING GROUP

3.1. Calling meetings

3.1.1. Ordinary meetings of the CCG shall be held at regular intervals at such times and places as the CCG may determine.

3.1.2. Meetings of the Council of Members

- a) will be held in private
- b) will be convened as necessary in order for the CCG to conduct business and manage functions reserved to the members as listed in the Scheme of Reservation and Delegation (Appendix D)
- c) will meet at least twice in any financial year
- d) The CCG Chair may call a meeting of the Council of Members at any time, giving at least 28 days' notice of the meeting date
- e) Five or more of the Council of Members may request a meeting in writing to the chair. If the Chair refuses, or fails, to call a meeting within 28 days of a request being presented, the members signing the request may forthwith call a meeting.

3.1.3. Meetings of the Governing Body

- a) will be held in public
- b) on a regular basis no less than 6 times a year and no more than 2 months apart.
- c) the date, time and venue will be made public with at least ten working days' notice. The notice will include the agenda and all papers related to the agenda will be similarly available to the public and members before the meeting.
- d) the venue and timing of the meeting will be publicised at the CCG's premises and on the CCG web site.
- e) the agenda will be agreed between the CCG's Chair and Accountable Officer.
- f) the CCG Chair can determine items that need to be discussed in private in line with statute and national guidance.
- g) The CCG Chair may call a meeting of the Governing Body at any time.

3.1.4. Meetings of the CCGs other Committees and sub-Committees will be held as required by the relevant terms of reference.

3.2. Agenda, supporting papers and business to be transacted

3.2.1. Items of business to be transacted for inclusion on the agenda of a meeting need to be notified to the Chair of the meeting at least 10 working days (i.e. excluding weekends and bank holidays) before the meeting takes place. Supporting papers for such items need to be submitted at least 10 working days before the meeting takes place. The agenda and supporting papers will be circulated to all members of a meeting at least one week before the date the meeting will take place.

3.2.2. Agendas and certain papers for the CCG's Governing Body – including details about meeting dates, times and venues will be published on the CCG's website.

3.3. Petitions

3.3.1. Where a petition has been received by the CCG, the chair of the Governing Body shall include the petition as an item for the agenda of the next meeting of the Governing Body.

3.4. Chair of a meeting

3.4.1. At any meeting of the CCG or its Governing Body or of a committee or sub-committee, the Chair of the CCG, Governing Body, committee or sub-committee, if any and if present, shall preside. If the Chair is absent from the meeting, the Vice Chair, if any and if present, shall preside.

3.4.2. If the Chair is absent temporarily on the grounds of a declared conflict of interest the Deputy Chair, if present, shall preside. If both the Chair and Deputy Chair are absent, or are disqualified from participating, or there is neither a Chair or Deputy a member of the CCG, Governing Body, committee or sub-committee respectively shall be chosen by the members present, or by a majority of them, and shall preside.

3.5. Chair's ruling

3.5.1. The decision of the Chair of the Governing Body on questions of order, relevancy and regularity and their interpretation of the constitution, standing orders, scheme of reservation and delegation and prime financial policies at the meeting, shall be final.

3.6. Quorum

3.6.1. For the CCG's **Council of Members**

- a) the quorum shall be 8 of the 13 of the practice representatives.
- b) if voting, each practice representative shall have one vote.
- c) if the numbers of votes for or against a proposal are equal, the chair or other person chairing the meeting has a casting vote.
- d) any decision of the Council of Members must be supported by at least nine member practices.
- e) a practice representative may obtain the agreement of the practice to send a substitute in which case the substitute shall have the same authority at the Council of Members as the practice representative. Any substitute must meet the eligibility criteria for practice representatives.
- f) if the quorum is lost due to disqualification of members regarding a declared interest the item shall be deferred and referred to the Lay Member with lead for Audit and Remuneration for resolution as detailed in 8.4.9 and 8.4.10 of the constitution.

3.6.2. For the CCG's **Governing Body**

- a) the quorum shall be 8 members at least 3 of whom are GP members/practice representatives.
- b) the only decision the Governing Body can take if not quorate is to call a general meeting of the Council of Members.
- c) if the numbers of votes for or against a proposal are equal, the chair or other person chairing the meeting has a casting vote.

- d) any decision of the Governing Body must be decided by at least a majority decision
- e) if the quorum is lost due to disqualification of members regarding a declared interest the item shall be deferred and referred to the Lay Member with lead for Audit and Remuneration for resolution as detailed in 8.4.9 and 8.4.10 of the constitution.

3.6.3. For all other of the CCG's committees and sub-committees, including the Governing Body's committees and sub-committees, the details of the quorum for these meetings and status of representatives are set out in the appropriate terms of reference.

3.7. **Decision making**

3.7.1. Chapter 6 of the CCG's constitution, together with the scheme of reservation and delegation, sets out the governing structure for the exercise of the CCG's statutory functions. Generally it is expected that at the CCG's Governing Body's meetings and Council of Members meetings decisions will be reached by consensus. Should this not be possible then a vote of members will be required, the process for which is set out below:

- a) **Eligibility** – members of the relevant meeting or a designated deputy.
- b) **Majority necessary to confirm a decision** – for the Council of Members, any decision must be supported by at least nine member practices. For the Governing Body its committees and sub-committees a simple majority of the quorum is required.
- c) **Casting vote** – in the event of there being no overall majority the Chair of the meeting will have a casting vote.
- d) **Dissenting views** – members may request that dissenting views are recorded in the minutes.
- e) A member representative has the right to require that a vote be by **secret ballot**.

3.7.2. Should a vote be taken the outcome of the vote, and any dissenting views, must be recorded in the minutes of the meeting.

3.7.3. For all other of the CCG's committees and sub-committees, including the Governing Body's committees and sub-committee, the details of the process for holding a vote are set out in the appropriate terms of reference.

3.8. **Emergency powers and urgent decisions**

3.8.1. Council of Members

- a) The powers which the Council of Members has reserved to itself within these Standing Orders may in emergency or for an urgent decision be exercised by the Chair and Accountable Officer after having consulted at least two members of the council, one to be from each locality. The exercise of such powers by the Chair and Accountable Officer shall be reported to the next formal meeting of the Council of Members for formal ratification.

3.8.2. Governing Body

- a) The powers reserved to the Governing Body within these Standing Orders may in emergency or for an urgent decision be exercised by the Chair and Accountable Officer after having consulted at least three further members of the Governing Body, one of whom must be the Lay Member with the lead role for audit and remuneration or their deputy. The exercise of such powers by the Chair and Accountable Officer shall be reported to the next formal meeting of the Governing Body for formal ratification.

3.9. Suspension of Standing Orders

- 3.9.1. Except where it would contravene any statutory provision or any direction made by the Secretary of State for Health or NHS England, any part of these standing orders may be suspended at any meeting, provided two-thirds of CCG members are in agreement.
- 3.9.2. A decision to suspend standing orders together with the reasons for doing so shall be recorded in the minutes of the meeting.
- 3.9.3. A separate record of matters discussed during the suspension shall be kept. These records shall be made available to the Governing Body's Audit and Risk Committee for review of the reasonableness of the decision to suspend standing orders.

3.10. Record of Attendance

- 3.10.1. The names of all members of the meeting present at the meeting shall be recorded in the minutes of the CCG's meetings. The names of all members of the Governing Body present shall be recorded in the minutes of the Governing Body meetings. The names of all members of the Governing Body's committees / sub-committees present shall be recorded in the minutes of the respective Governing Body committee / sub-committee meetings.

3.11. Minutes

- 3.11.1. Minutes will record the name of the individual and, for practice representatives, the name of the member practice that the individual represents.
- 3.11.2. Minutes will be confirmed as a true record at the subsequent meeting and confirmation or any alterations recorded in the minutes.
- 3.11.3. Minutes of public meetings or public portions of meetings will be made available to the public through publication in a subsequent meeting's papers and through the CCG's web site.

3.12. Admission of public and the press

3.12.1. Admission and exclusion on grounds of confidentiality of business to be transacted

The public and representatives of the press may attend all meetings of the Governing Body of the CCG, but shall be required to withdraw as follows:

- 'that representatives of the press, and other members of the public, be excluded from the remainder of this meeting having regard to the confidential nature of the business to be transacted, publicity on which would be prejudicial to the public interest', Section 1(2), Public Bodies (Admission to Meetings) Act 1960.

3.12.2. **General disturbances**

The Chair or Vice-Chair or the person presiding over the meeting shall give such directions as he/she thinks fit with regard to the arrangements for meetings and accommodation of the public and representatives of the press such as to ensure that the CCG's business shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public will be required to withdraw upon the Governing Body resolving as follows:

'That in the interests of public order the meeting adjourn for (the period to be specified) to enable the Governing Body to complete its business without the presence of the public'. Section 1(8) Public Bodies (Admissions to Meetings) Act 1960.

3.12.3. **Business proposed to be transacted when the press and public have been excluded from a meeting**

Matters to be dealt with by the CCG Governing Body following the exclusion of representatives of the press, and other members of the public, as provided in (i) and (ii) above, shall be confidential to the members of the Board.

Member Representatives and Officers or any employee of the CCG in attendance shall not reveal or disclose the contents of papers marked 'In Confidence' or minutes headed 'Items Taken in Private' outside of the CCG, without the express permission of the CCG. This prohibition shall apply equally to the content of any discussion during the Board meeting which may take place on such reports or papers.

3.12.4. **Use of Mechanical or Electrical Equipment for Recording or Transmission of Meetings**

Nothing in these Standing Orders shall be construed as permitting the introduction by the public, or press representatives, of recording, transmitting, video or similar apparatus into meetings of the CCG or Committee thereof. Such permission shall be granted only upon resolution of the CCG.

4. APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

4.1. Appointment of committees and sub-committees

4.1.1. The CCG may appoint committees and sub-committees of the CCG, subject to any regulations made by the Secretary of State⁶, and make provision for the appointment of committees and sub-committees of its Governing Body. Where such committees and sub-committees of the CCG, or committees and sub-committees of its Governing Body, are appointed they are included in Chapter 6 of the CCG's constitution.

⁶ See section 14N of the 2006 Act, inserted by section 25 of the 2012 Act
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4.1.2. Other than where there are statutory requirements, such as in relation to the Governing Body's Audit and Risk Committee or Remuneration Committee, the CCG shall determine the membership and terms of reference of committees and sub-committees and shall, if it requires, receive and consider reports of such committees at the next appropriate meeting of the CCG.

4.1.3. The Group may hold its Committee meetings as a 'meeting in common' with other organisations. In the main this would be with South West Lincolnshire CCG with whom it shares a number of joint appointments. Each committee will retain responsibility for its own functions and will remain accountable to its Governing Body. Each Committee will have its own Terms of Reference and membership, quorum and administrative arrangements will be as stated in those Terms of Reference.

The Chairs of the Committees will share the chairing arrangements for the Committees in Common. Where an agenda item relates to a particular CCG, the Chair of that Committee will take the Chair for that item.

4.1.4. The provisions of these standing orders shall apply where relevant to the operation of the Governing Body, the Governing Body's committees and sub-committee and all committees and sub-committees unless stated otherwise in the committee or sub-committee's terms of reference.

4.2. Terms of Reference

4.2.1. Terms of reference shall have effect as if incorporated into the constitution and shall be added to this document as an appendix.

4.3. Delegation of Powers by Committees to Sub-committees

4.3.1. Where committees are authorised to establish sub-committees they may not delegate executive powers to the sub-committee unless expressly authorised by the Governing Body.

4.4. Approval of Appointments to Committees and Sub-Committees

4.4.1. The CCG shall approve the appointments to each of the committees and sub-committees which it has formally constituted including those the Governing Body. The CCG shall agree such travelling or other allowances as it considers appropriate.

5. DUTY TO REPORT NON-COMPLIANCE WITH STANDING ORDERS AND PRIME FINANCIAL POLICIES

5.1. If for any reason these standing orders are not complied with, full details of the non-compliance and any justification for non-compliance and the circumstances around the non-compliance, shall be reported to the next formal meeting of the Governing Body for

action or ratification. All members of the CCG and staff have a duty to disclose any non-compliance with these standing orders to the Accountable Officer as soon as possible.

6. USE OF SEAL AND AUTHORISATION OF DOCUMENTS

6.1. Clinical Commissioning Group's seal

6.1.1. The CCG may have a seal for executing documents where necessary. The following individuals or officers are authorised to authenticate its use by their signature:

- a) the Accountable Officer;
- b) the Chief Finance Officer.

6.2. Execution of a document by signature

6.2.1. The following individuals are authorised to execute a document on behalf of the CCG by their signature.

- a) the Accountable Officer;
- b) the Chief Finance Officer.

7. OVERLAP WITH OTHER CLINICAL COMMISSIONING GROUP POLICY STATEMENTS / PROCEDURES AND REGULATIONS

7.1. Policy statements: general principles

7.1.1. The CCG will from time to time agree and approve policy statements/ procedures which will apply to all or specific groups of staff employed by NHS South West Lincolnshire Clinical Commissioning Group. The decisions to approve such policies and procedures will be taken to the most appropriate forum, recorded in the minutes and will be deemed where appropriate to be an integral part of the group's Standing Orders.

