

## NORTH YORKSHIRE CLINICAL COMMISSIONING GROUP

### GOVERNING BODY MEETING

Thursday, 30 April 2020 11:00 – 12:30

Virtual Meeting – Microsoft Teams

Present	
Dr Charles Parker	Clinical Chair (Chair)
Amanda Bloor	Accountable Officer
Dr Alistair Ingram	Vice Clinical Chair
Jane Hawcard	Chief Finance Officer
Wendy Balmain	Director of Strategy and Integration
Julie Warren	Director of Corporate Services, Governance & Performance
Simon Cox	Director of Acute Commissioning
Sue Peckitt	Chief Nurse
Ken Readshaw	Lay Member for Audit and Governance
Sheenagh Powell	Lay Member for Financial Performance (Vice-Chair)
Kate Kennady	Lay Member for Patient and Public Involvement
Dr Ian Woods	Secondary Care Doctor
Dr Peter Billingsley	GP Governing Body Member
Dr Chris Ives	GP Governing Body Member
Dr Mark Hodgson	GP Governing Body Member
Dr Bruce Willoughby	GP Governing Body Member

Apologies	
None	

In Attendance	
Sasha Sencier	Senior Governance Manager and Board Secretary to the Governing Body
Lisa Pope	Deputy Director of Primary Care and Integration (Item 6.1 ONLY)

#### 1.0 Apologies for Absence

No apologies were received and the Governing Body was deemed quorate.

**The North Yorkshire CCG Governing Body:** Noted that no apologies had been given and that the NY CCG Governing Body meeting is quorate.

#### 2.0 Declarations of Interests in relation to the business of the meeting

The Chair reminded committee members of their obligation to declare any interest they may have on any issues arising at committee meetings which might conflict with the business of the Governing Body.

Dr Alistair Ingram noted a potential indirect interest under item 6.1 Friarage Hospital Consultation. Dr Ingram's Sister and Brother-in-law are Consultant Physicians at South Tees Hospital. In addition, Dr Ingram's sister is a Clinical Director at South Tees Hospital.

Dr Charles Parker agreed that previously this interest would not have been a conflict of interest as South Tees was not part of Harrogate. Now the CCG is across North Yorkshire this is more significant as a potential conflict of interest. Dr Charles Parker made a recommendation to the Governing Body that Dr Alistair Ingram could remain for the discussion but would be excluded from any decision. All Governing Body Members agreed.

**The North Yorkshire CCG Governing Body:** Noted the declaration of interest made in relation to the business of the meeting.

### **3.0 Governing Body Minutes and Matters Arising**

#### **3.1 NY CCG Governing Body Minutes – 2 April 2020**

Dr Charles Parker presented the Governing Body minutes from the meeting on 2 April 2020.

Governing Body Members noted no changes and the minutes were approved as a true and accurate record of the meeting.

**The North Yorkshire CCG Governing Body:** Approved the minutes of the meeting on 2 April 2020 as a true and accurate record.

#### **3.2 Matters Arising from the Minutes – 2 April 2020**

Dr Charles Parker noted that both actions detailed within the matters arising had been completed. For completeness, these actions were as follows:

- To update the Scheme of Reservation and Delegation
- To update the Operational Scheme of Delegation

Both documents can be found in the CCGs Corporate Governance Handbook, which will be published on the CCG website.

**The North Yorkshire CCG Governing Body:** Accepted the matters arising as complete from the meeting on 2 April 2020.

### **4.0 Reports from North Yorkshire Clinical Commissioning Group**

#### **4.1 Clinical Chair**

Dr Charles Parker provided a verbal update and informed that generally people are continuing to work differently at present Covid-19 dominating.

In relation to Primary Care, there has been a drop in demand but this is now slowly picking up. Issues have been highlighted where members of the public have not been progressing areas of health concerns with their GPs due to the Covid-19 crisis. The Communications and Engagements Team sent out an excellent press release to encourage members of the public to access health services if required and this campaign was picked up nationally.

Dr Charles Parker thanked those involved in the Covid-19 Incident Control Hub who have been producing and circulating daily updates. The CCG has been uniting with those across the Local Medical Council and Vale of York CCG to ensure consistent communication.

Positive discussions are taking place about reopening services across the system and how this can be done in a controlled way that will ensure patient safety. The CCG and the Trusts will work closely together but it is clear that there is opportunity to work in a different way that will become the new normal.

**The North Yorkshire CCG Governing Body:** Noted the update from the Clinical Chair.

#### **4.2 Accountable Officer**

Amanda Bloor provided a verbal update and informed that the business of the CCG over the last 8 weeks has focussed on the COVID-19 pandemic, as instructed by NHS England. This has impacted on all of us, including work and home life. The CCG has had a fantastic response from the staff, particularly during a difficult time going through a consultation process. There has been a good response from providers and systems have come together, not just the NHS, at a very challenging time.

Business as usual, unless urgent, has mostly been put on hold. There has been a significant piece of work carried out to ensure governance processes are robust and decisions are being made in the right way. The CCG has maintained a strong operational response and has supported staff to work from home, to stay well and have the right equipment to support needs. This week the CCG has launched a staff survey to better understand how staff are coping and the aim is to do this each month.

The CCG has put in place a Covid-19 Incident Control Hub, responding to local and national feeds in conjunction with the Local Medical Council. The hub maintains actions logs and prepares daily briefings for GPs and Directors. Gold and Silver command have been established across North Yorkshire and York, working as a system which had started prior to the pandemic. There is a significant challenge nationally regarding Care Homes and the CCG is involved in a multidisciplinary response working on a set of principles to support this sector.

Personal Protective Equipment (PPE) and staff testing continue to be a major focus to ensure our stakeholder staff are supported.

Demand has gone down in Primary Care but this is now picking up again. The Primary Care Networks (PCNs) are working on medium term recovery and will maintain red zones for the foreseeable future.

PPE supply has stabilised and NHS supply is improving, however the CCG is working to put in place a local supply to ensure sustainability.

Testing processes have improved and tests are now available for symptomatic NHS key workers and family members. Regional test centres now open and the military are running a mobile testing unit.

All non-elective admitted patients are now being tested.

The CCG is now holding a daily multi-agency call with Care Homes to co-ordinate system response.

All COVID related costs expected to be covered by government funding. A financial pool has been agreed with NYCC and CCG together to discharge patients as quickly as possible.

A recovery letter has been received from NHS England that describes a 4 phased approach. Phase 1 was the initial response which is now mobilised. Phase 2 is ensuring services are in place where it is safe and appropriate to do so and opening up urgent work in approximately 4-6 weeks. Phase 3 is to reintroduce routine elective work and to open back up to capacity. Phase 4 is back to normality but this is not expected until April 2021. The CCG is expected to respond to the letter and the Directors will be meeting following the Governing Body to work on this.

Due to the Covid-19 pandemic the CCG has not been able to carry out celebrations of the merger approval. North Yorkshire formally launched on 1 April 2020 after a successful transition phase. The CCG is now working on reviewing its processes, policies and procedures and is also looking forward to finalising the new staffing structure once phase 3 is complete later on in the year.

The Executive Team has been focussing their time on Covid-19, integration and keeping people safe through the recovery period.

The three annual reports were submitted to NHS England on 27 April 2020 and awaiting feedback before the final reports are submitted to NHSE on 25 June 2020.

Humber, Coast and Vale Health and Care Partnership and West Yorkshire and Harrogate health and Care partnership have been working through their agreements and Memoranda of Understandings and these will be reviewed and approved by the Governing Body at the June meeting.

**The North Yorkshire CCG Governing Body:** Noted the update from the Accountable Officer.

## **5.0 Finance and Activity**

### **5.1 Finance Report**

Jane Hawcard presented the Financial Report that details the financial position of the three North Yorkshire CCGs as at 29 February 2020 and the forecast for the end of year. The three CCGs are meeting their financial targets and are on track as they were when reported to the Governing Body at Month 9.

It was noted that Hambleton, Richmondshire & Whitby (HRW) CCG received additional Commissioner Support Funding (CSF) of £5m as part of partnership working across the system. This has enabled the CCG to claim a further £1.04m CSF funding to bring the CCG back to a breakeven position against the control total; this revised breakeven position will be reported in month 12 accounts.

There have been a number of significant challenges through 2019/20 in relation to prescribing costs, independent and acute sector challenges.

The Governing Body has previously been made aware that any Covid-19 related costs can be reimbursed if they are genuine, valid and reasonable and submitted in a timely basis to NHSE to an agreed timetable. The CCG has been supporting providers, including the independent sector and have already been reimbursed £325k.

It was noted that risks have been emerging due to a cessation of planning and contracting activities that the CCG was in the middle of negotiating contracts with Providers for 20/21 and detailed operational planning. NHS England recognise the impact that the CCG is facing and that other CCGs are also in a similar position.

As part of the mitigating actions the CCG is working with Carnall Farrar to further understand the underlying financial positions of all three previous CCGs and to model the future impact of these in the current financial regime. The Governing Body will be sited on this work.

A scheme of delegation relating purely to dealing with Covid-19 additional expenditure is set out in the report. It was noted that the delegation is only in relation to Covid-19 spend and management of finances so that decisions can be made with the appropriate speed required while adhering to strict processes of financial due diligence and assurance.

NHSE/I has clearly set out the expectation that Local Authorities and CCGs will work together to deliver expedited discharge so that patients identified for discharge are moved out of acute settings within 3 hours. The aim of creating a funding pool from which all expenditure is funded is to ensure there are no funding disputes which stop or delay in any way patients being discharges once the decision to discharge has been made. Detailed guidance has been provided by NHS England.

To enable this to happen it has been agreed that the NHS will fund additional costs of health and social care for a limited period to deal with Covid-19. Detailed guidance from NHSE/I has been provided to commissioners on the workings of the pool which the CCG will ensure it adheres to.

The local authority and North Yorkshire CCGs have developed a set of principles in terms of agreeing 'who pays' for the different aspects of additional costs re Covid-19.

The principles were approved at FPCCC on the 16 April 2020 and by the Governing Body on 23 April. The pool will be formally contracted for through a Section 75 agreement.

The FPCCC will receive regular updates on all CCG costs relating to Covid-19 and how costs are managed by the pool.

**The North Yorkshire CCG Governing Body:** Noted the 2019/20 forecast outturn as at 29 February 2020, the pooling arrangement with the Local Authority, the scheme of delegation for Covid-19 related expenditure and decision making as set out in the Appendix 2 and the governance arrangements with regards to Covid-19 related expenditure.

## **5.2 Approval of Budgets**

Jane Hawkard presented the Budget Approval Report that sets out the operational budgets at summary Directorate level that are derived from the Draft Financial Plan submission on 28 February 2020.

The Governing Body previously agreed the overall Financial Plan with a savings plan. The operational budget sets out how budgets are spread across each of the Directorates. The Governing Body is being asked to approve the operational budget having already approved the totality of the plan.

**The North Yorkshire CCG Governing Body:** Approved the 2020/21 Operational Budgets that reconcile to the Draft Financial Plan submitted to NHSE&I on 28 February 2020 and Noted that

the CCG will operate within this budgetary framework for 2020/21 and will update the Governing Body for any changes as a result of national guidance.

## **6.0 Strategy and Planning**

### **6.1 Friarage Hospital Consultation**

*As previously noted, Dr Alistair Ingram has declared an interest in relation to this item. It was agreed that Dr Ingram could remain in the meeting for the discussion but will be excluded from any decisions.*

*Lisa Pope joined the meeting to present Item 6.1 ONLY.*

Simon Cox informed that the Friarage Hospital Consultation paper that provides the Governing Body with the post-consultation document relating to the consultation on proposals for building a sustainable future for the Friarage Hospital. This, along with the supporting evidence pack, provides the Governing Body with an opportunity to consider all of the feedback gathered through the public consultation and decide whether or not to support the proposed recommendation.

Dr Charles Parker thanked the whole team that were involved in the consultation work over the past two years. This was a successful piece of work with both staff and members of the public supporting the consultation.

Simon Cox introduced Lisa Pope, Deputy Director of Primary Care and Integration, who presented detail within the paper to the Governing Body.

Simon Cox thanked Lisa Pope for presenting the paper and also extended his thanks to Mandy Peacock, Julie Hardiment and NECs for their support too.

It was noted that there was a request for a judicial review but this was managed successfully. There remains a risk around the decision and the CCG may have to manage further legal challenge. Experience from other areas is that those who feel there is case may continue to pursue challenge and therefore additional resource may be required to support any further action. The Governing Body acknowledged the risk and asked that Simon Cox confirms the formal legal position as to the timescales that challenge can be accepted.

The Governing Body queried the sustainability of opening times for the Urgent Treatment Centre 24 hours a day, 7 days per week, rather than the option of 16 hours. It was noted that the 24/7 model was a clear preference expressed by those at the Decision Making Workshop and this felt sustainable for the next 3 to 5 years. It was understood that this may be a risk in the future but not at this point.

From the Governing Body members that attended the Decision Making Workshop, it was agreed that they felt assured that a thorough piece of work had been carried out in respect of the consultation and that there was a commitment for a sustainable and long term model and it was important to be able to deliver a decision and certainty to staff at the unit.

The Governing Body queried the May start date of the Urgent Treatment Centre as the paper indicated that the Overview and Scrutiny Committee (OSC) would be updated in September 2020. It was noted that any formal decision the Governing Body makes would be relayed back to the OSC at the earliest opportunity but that they are supportive of the process and would be supportive of the decision made. Amanda Bloor reassured the Governing Body a recent call had been held with the Councillor to talk through the outcome of the consultation and that there was full support. The OSC circulate a weekly briefing and following the Governing Body meeting the decision would be communicated.

The Governing Body asked for further clarification around any financial implications. It was noted that there is no increase on the original assumptions that other issues that have been raised contractually are separate to this.

The Governing Body discussed the options and agreed to approve Option 1 – 24/7 Urgent Treatment Centre - Urgent Treatment Centre for adults and children with minor injuries and minor illnesses, open 24 hours, 7 days a week.

Dr Charles Parker reiterated his gratitude to all those involved in the process and thanks the public for their involvement and participation in shaping local services.

**The North Yorkshire CCG Governing Body:** approved Option 1 – 24/7 Urgent Treatment Centre - Urgent Treatment Centre at Friarage Hospital for adults and children with minor injuries and minor illnesses, open 24 hours, 7 days a week.

## 7.0 Governance

### 7.1 Non-Statutory Committee Terms of Reference

Julie Warren presented the paper and informed the Governing Body that following the establishment of the North Yorkshire CCG on 1 April 2020, the Governing Body is being asked to formally establish the non-statutory Committees of the Governing Body and to ratify the terms of reference of those committees.

The Governing Body reviewed the terms of reference for the two non-statutory committees:

- Quality and Clinical Governance Committee (QCGC)
- Finance, Performance, Contracting and Commissioning Committee (FPCCC)

It was noted that both Committees had met and discussed the terms of reference at length.

It was further noted that the Joint Business Executive Committee that was part of the temporary governance structure to support the transition was to continue but as a sub-committee of FPCCC.

**The North Yorkshire CCG Governing Body:** Approved the establishment of the North Yorkshire CCG non-statutory committees and ratified the terms of reference for QCGC and FPCCC.

## **8.0 Minutes and Key Messages of Governing Body Committees – to be Discussed by Exception**

### **8.1 Quality and Clinical Governance Committee**

Kate Kennady informed the Governing Body that QCGC had met twice since the Governing Body met on 2 April 2020 with the purpose of reviewing the Covid-19 Risk Register. It was noted that the review of the risks was a dynamic process where risks were regularly reviewed and challenged.

The Committee are mindful that urgent items should not be overlooked and will be reviewing this at the next meeting.

### **8.2 Finance, Performance, Contracting and Commissioning Committee**

Ian Woods informed the Governing Body that the FPCCC had become overview and assurance giver for finance arrangements relating to Covid-19. Issues are complex and fast developing however appropriate arrangements have been put in place to manage these decisions and any risks involved.

The Committee is next due to meet mid May 2020.

### **8.3 Audit Committee**

Ken Readshaw informed that the Audit Committee met on 29 April 2020 and would therefore provide a brief verbal update from the meeting.

The committee focussed on year end concerns.

The committee approved the Going Concern Declaration for the three NY CCGs, pending the additional statement on the continuation of services.

The committee approved the Joint Declaration from Management and those Charged with Governance for the three NY CCGs.

The committee received the draft accounts, financial statements and annual reports for the three NY CCGs.

The committee noted the Noted the Urgent Decisions: Covid-19 Decision Process.

The committee noted the Draft Head of Internal Audit Opinions as of 27 April 2020 for the three NY CCGs.

The committee noted the Annual Counter Fraud Self Review Tool Report and approved the Self Review Tool submissions appended to the report.

### **8.4 Primary Care Commissioning Committee**

Sheenagh Powell noted that no meeting had taken place since the Governing Body last met.

**The North Yorkshire CCG Governing Body:** Noted the Key Messages and Minutes from the statutory and non-statutory committees of the Governing Body.

## **9.0 Any Other Business**

No other business was noted.

**The North Yorkshire CCG Governing Body:** Noted that there was no other business to discuss.

## **10.0 Next Meeting**

The Governing Body is next due to meet on 25 June 2020. It is currently expected that this meeting will take place virtually as social distancing rules are in place. All papers will be published on the CCG website and members of the public will have the opportunity to send any questions in advance of the meeting in line with usual processes. Healthwatch would be invited to join the virtual meeting. Key decisions will be published within 24 hours of the meeting taking place.

**The North Yorkshire CCG Governing Body:** Noted that there was no other business to discuss.

## **11.0 Close of Meeting in Public**

Dr Charles Parker noted that that the press and public be excluded from the remainder of the meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted. The papers in the confidential session hold:

1. Information relating to any individual.
2. Information relating to the financial or business affairs of any particular person (incl. the CCG).
3. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter.

**All Actions are detailed at Appendix A.**

**NHS North Yorkshire Clinical Commissioning Group  
Actions from the Governing Body meeting on 30 April 2020**

Item	Action	Responsibility	Action Completed / Due to be Completed (as applicable)
<b>10.0 Next Meeting</b>	Healthwatch to be invited to be in attendance at the next Governing Body meeting.	Julie Warren, Director of Corporate Services, Governance and Performance	Completed May 2020.  Contact made with Nigel Ayres to invite him to attend. Unfortunately, due to him not being in work at the moment the Chair asked if JW would speak to the Vice Chair in his absence. This was agreed but no dates were given to arrange this even after chasing. JW to pick up again for the next 'in public' GB meeting.