

Executive Leadership Team

Terms of Reference

**Executive Leadership Team
Terms of Reference**

Version	6.0
Implementation Date	January 2019
Review Date	January 2020
Approved By	Governing Body
Approval Date	16th January 2019

REVISIONS

Date	Section	Reason for Change	Approved By
20.10.17	Appendix	Updated version of OSOD attached	Audit Committee
13.06.18	Section 2	Membership – to reflect Deputy Accountable Officer, and role of CFO as chair in absence of Accountable Officer	Governing Body
	Section 3 & 4	Scope to incorporate effective integration arrangements. Remit to reference co-ordination with integrated Senior Management Team on matters relevant to partnership	
	Section 6	New section to reflect arrangements for emergency powers and urgent decisions (as per CCG constitution V.4 Jan 18)	
	Intro	Noted formal monthly ELT and ability to use SMT Forum for discussions/ decisions.	
16.01.19	Membership	Added Associate Director Corporate Governance to membership.	Governing Body
	Remit	Added Partnership, Governance & Risk remits to Committee.	
	Appendix	Updated version of OSOD	

TERMS OF REFERENCE OBSOLETE

Date	Reason	Approved By
Jan 2019	V5, Sept 2018– replaced by version 6	GB
Sept 2018	V4, Sept 2017 – replaced by version 5	GB
Sept 2017	V3, Oct 2016 – replaced by version 4	GB
Oct 2016	V2, July 2016 – replaced by version 3	GB
July 2016	V1, April 2012 – replaced by version 2	GB

The Executive Leadership Team (ELT) is established in accordance with NHS St Helens Clinical Commissioning Group's (the CCG) Constitution. These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the ELT and shall have effect as if incorporated into the Constitution.

All management functions of the CCG (with the exception of those delegated to individuals or to another committee of the Governing Body or reserved to the Governing Body as detailed in the Scheme of Reservation and Delegation) are delegated to the Executive Leadership Team for day to day management and delivery. The Executive Leadership Team will make recommendations on delivery of strategy and commissioning plans and take day to day decisions on performance management and risk management to provide robust assurance to the Governing Body.

The Executive Leadership Team has authority from the Governing Body to make decisions in respect of any QIPP or financial recovery related actions to ensure that there is no delay in progress. The Operational Scheme of Reservation & Delegation (OSRD) is attached at Appendix A. The OSRD is reviewed and approved by the Audit Committee on an annual basis as part of the Prime Financial Policies.

For discussions and decisions relating to Section 75 and integrated working, the Executive Leadership Team may use the Integrated Senior Management Team Group, adhering to the quoracy requirements at section 2 of these Terms of Reference for ELT.

1. Voting Membership

- Clinical Accountable Officer/ Strategic Director People's Services (Chair)
- Deputy Strategic Accountable Officer/ CCG Accountable Officer
- Chief Finance Officer/Recovery Director
- Chief Nurse
- Director of Public Health

In attendance

- Associate Director Corporate Governance

Meetings will be chaired by the Clinical Accountable Officer (CAO), in the absence of the CAO, the Chief Finance Officer will Chair the meeting. Members of ELT will make every effort to attend meetings in person. In exceptional circumstances, members are permitted to join by telephone and if on leave may send a designated deputy, if appropriate.

A GP Governing Body member may be invited to attend when an expert GP opinion, or independent Lay input is required.

Other senior managers will be invited to attend where appropriate to present specific agenda items.

2. Quoracy

Quorum will be three members, which must include the Clinical Accountable Officer (or nominated deputy) and Chief Finance Officer (or nominated deputy).

3. Remit and Responsibilities

The scope of ELT is to support the Governing Body in undertaking its statutory duties of NHS St Helens Clinical Commissioning Group.

3.1 Overarching responsibilities:

- Ensure the effective operational management of the CCG and seamless integration into St Helens Integrated People's Services (SHIPS)
- Provide effective leadership and direction to the work of the CCG
- Support the CCG to deliver its plans, strategies and statutory duties
- Promote robust clinical and corporate governance across the CCG
- Support the Governing Body in setting and delivering the organisation's strategic objectives and vision

3.2 Other responsibilities:

- Make decisions in respect of QIPP and financial recovery, any such decision shall be reported to the next meeting of the governing body for ratification
- Act in accordance with the CCG's Constitution, Standing Orders, Prime Financial Policies and Scheme of Delegation.
- Oversee NHSE assurance planning and responses.
- Ensure that all CCG Plans and strategies are fully aligned and integrated for the effective delivery of its plans
- Co-ordinate its business with the Integrated Senior Management Team on matters relevant to the partnership.
- Approve, or recommend for approval (dependent on SORD), a wide range of policies and procedures, ensure effective implementation of all such policies.

Specific Duties of ELT:

3.3 Partnership Agreement

The Committee:

- has the authority to develop proposals for agreement by the Partners, or amend any integrated arrangements subject to its governance.
- shall pick up day-to-day responsibility for operational delivery of the Partnership Agreement, as delegated by the Partners; subject to its governance.
- will maintain an accurate schedule of all arrangements approved by the Partners.

- has the authority to take action to manage the performance of programmes and/or services within the remit of the Partnership Agreement. Where agreement cannot be reached on matters such as action on under-performance, funding levels or changes to services, such matters should be referred by the Chair to the Partners' decision making bodies for resolution.
- is responsible for contracts for the delivery of services (when the CCG is the appropriate Lead Partner). Where any joint arrangements are proposed, one of the Partners shall be nominated as the Lead Partner – the Lead Partner will report to the ELT on any contract performance or variation matters.
- will make recommendations to the Partners on Joint funding arrangements, where it is considered appropriate to promote the delivery of joint objectives and shall include the use of powers to establish pooled budgets within relevant sections of the Act. All recommendations around establishing, amending or ceasing a pooled fund arrangement, management of underspends and overspends will be approved in accordance with s75 agreement.
- will provide Assurance Reports to the Partners, at intervals specified by the Partners, covering all expenditure supporting integrated commissioning, services and pooled funds. The ELT can make recommendations for significant underspends identified in the year (within pooled funds) to be allocated to overspends accumulated in other pooled funds, or carried forward into the next financial year, in order to mitigate the financial risks of either, or both Partners. It is expected that the ELT, through the Integrated SMT Group will maintain a balanced position in all pooled funds and control expenditure in any integrated arrangement, reporting promptly to the Partners when any forecast under or overspend is identified.
- will ensure that any risks to either Partner within joint arrangements from people accessing the service who are not both resident or registered are taken into account and uptake is monitored.
- will be sighted on all complaints received relating to any activity within the Section 75 Agreement.
- will ensure that the Partners cooperate with one another to enable proper and prompt disclosure of Freedom of Information Act requests.

3.4 Governance

ELT will

- commissioning reports and audit/surveys it deems necessary to help fulfil its obligations as authorised by the Governing Body
- review and ratification of minor policy changes, recommending to Governing Body for approval any new policies or policies requiring significant updates/ changes
- overseeing the development of key governance, assurance and risk systems; ensuring processes are in place so that the CCG is compliant with its statutory requirements and has sound internal control arrangements
- ensuring the CCG has in place appropriate arrangements in respect of information governance

- ensuring the CCG is compliant with Health and Safety legislation including the Corporate Manslaughter Act and Local Security Management Services (LSMS) requirements
- ensuring the CCG is compliant with its statutory duties under the Civil Contingencies Act

2.5 Risk

ELT will

- promote good risk management and ensure effective corporate governance systems and processes are embedded across the CCG that also promote effective partnership working and integration
- scrutinise and challenge risk assessment and risk assurances provided by the Corporate Risk Register (CRR) and Governing Body Assurance Framework (GBAF) to ensure that robust controls are evident across the organisation. This should include scrutiny of entries contained in all areas of the GBAF and CRR
- develop and implement the CCGs Risk Management Strategy

4. Sub Groups & Administration

ELT is authorised to create sub-groups or working groups as are necessary to fulfil its responsibilities within its terms of reference

Appropriate secretarial support will be provided to ensure appropriate support to the Chair in relation to the organisation and conduct of meetings. The Secretary's duties will include:

- Agreement of agendas with the Chair and attendees and collation of papers
- Keeping a record of minutes/ actions, key issues, matters arising and issues to be carried forward

Key action points may also be taken by any attendee, and any executive decision made in respect of QIPP or financial recovery will be submitted to the Governing Body for ratification via an accountability report.

5. Frequency and notice of meetings

A formal ELT meeting will be held monthly to predominantly cover Governance & Risk items; ELT business may also be conducted within the Senior Management Team meeting on a weekly basis, dependent on the nature of the business. It will be necessary for ELT quoracy to be maintained for any decisions relating to QIPP and financial recovery in this instance.

6. Emergency Powers & Urgent Decisions

Where decisions need to be taken as a matter of urgency the Governing Body has delegated authority to the Clinical Accountable Officer to make decisions on behalf of the CCG by convening ELT as an Urgent Issues meeting (CCG Constitution - Standing Orders, Section 3.9). In this circumstance the group will require the following to be in attendance to reach a decision:

- The Clinical Accountable Officer (or deputy)
- A Governing Body GP member, and two of the following:
 - the Chair
 - Chair of the Audit Committee (or deputy)
 - Chief Finance Officer (or deputy)

The requirement for this Urgent Issues meeting to be held in private may be determined by the Clinical Accountable Officer by exception.

The meeting will be conducted as per the Terms of Reference of the Governing Body.

7. Reporting

The ELT will record action notes; a Key Issues report recording decisions made at ELT meetings (including those held within an Integrated SMT Forum) will be submitted to the relevant Partners' decision making group/committee, following the internal decision-making procedure.

8. Conduct

All members are required to make open and honest declarations of the interest at the commencement of each meeting or to notify the Chair of any actual, potential or perceived conflict in advance of the meeting.

All members are required to uphold the Nolan Principles and all other relevant NHS Code of Conduct requirements.

9. Date and review

These Terms of Reference were approved by NHS St Helens CCG Governing Body on:

Date Ratified: January 2019

Review date: January 2020

Operational Delegated Limits from January 2019

Section	Description	Delegated to							
		Governing Body	Primary Care Commissioning Committee	Finance & Performance Committee	Clinical Accountable Officer	Chief Finance Officer	Deputy Chief Finance Officer/Deputy Clinical Accountable Officer	Associate/Assistant Directors & Chief Nurse (CN)	Other CCG Officer (as specified by authorised signatory list or approved Oracle user list)
A	GIFTS, HOSPITALITY & SPONSORSHIP Associate Director – Corporate Governance to maintain a register of declared gifts and hospitality received.				Gifts over £50	Gifts over £50		CN: Gifts over £50	Gifts/ Sponsorship over £50 to be authorised by ELT; all other Gifts, Hospitality & Sponsorship to be reported on register
B	LITIGATION CLAIMS Medical negligence and other litigation payments made on the advice of NHSLA	Over £1,000,000			£50,001 - £1,000,000	Up to £50,000		Up to £25,000	
C	LOSSES & SPECIAL PAYMENTS Chief Finance Officer to maintain a register of losses and special payments (including bad debts to be written off). All to be reported to the Audit Committee.	Over £100,000			£50,001 - £100,000	£5,001 - £50,000	Up to £5,000	Up to £500	
D	PETTY CASH FLOAT								
D1	Authorisation to set up float	Over £300			Over £300	Over £300	Up to £300 float	Up to £300 float	
D2	Replenish petty cash float								Principal Accountant Up to maximum float
D3	Issue petty cash				£50 per ordinary transaction				
E	CREDIT CARD								
E1	Account signatories (who can make changes to the account, authorise additional card holders, amend card limit)					√	√		
E2	Authorise single transaction (single transaction limit £500)				Up to £500	Up to £500	Up to £100	Up to £100	
F	REQUISITIONING GOODS & SERVICES: NON HEALTHCARE								
F1	Initial Decision to recruit Agency Staff / Management Consultants (Based on total	Over £100,000		Up to £100,000	Up to £50,000	Up to £30,000			

Section	Description	Delegated to							
		Governing Body	Primary Care Commissioning Committee	Finance & Performance Committee	Clinical Accountable Officer	Chief Finance Officer	Deputy Chief Finance Officer/Deputy Clinical Accountable Officer	Associate/Assistant Directors & Chief Nurse (CN)	Other CCG Officer (as specified by authorised signatory list or approved Oracle user list)
	<p>expected cost). Note – Prior approval from NHSE must be sought for:</p> <ul style="list-style-type: none"> Any appointments over £600 per day; or Any appointments for over a 6 month period, or Any appointment with significant influence (e.g. Governing Body roles) 								
F2	Services including IT, maintenance and support services (over lifetime of contract) were not included within agreed annual budgets	Over £500,000		£250,001 - £500,000	Up to £250,000	Up to £100,000	Up to £50,000	Up to £25,000	
F3	Recharges from other public sector bodies not included within agreed annual budgets	Over £500,000		£250,001 - £500,000	Up to £250,000	Up to £100,000	Up to £50,000	Up to £25,000	Up to £25,000
F4	Approval of all other requisitions	Over £500,000		£250,001 - £500,000	Up to £250,000	Up to £100,000	Up to £50,000	Up to £25,000	Up to £25,000
G	RELOCATION EXPENSES Require approval by Remuneration Committee	Over £30,000			Up to £30,000	Up to £8,500	Up to £8,500	Up to £8,500	
H	DECISION TO APPROVE HEALTHCARE INVESTMENT BUSINESS CASES								
H1	Where covered in detail in the Annual Commissioning Plan (Annual Contract Value)	Over £1,000,000	Up to £1,000,000 * PC Related	Up to £1,000,000	Up to £250,000	Up to £25,000	Up to £25,000	Up to £25,000 (where budget exists)	
H2	Where not covered in detail in the Annual Commissioning Plan (Annual Contract Value)	Over £500,000	Up to £500,000 * PC Related	Up to £500,000	Up to £100,000	Up to £25,000			ELT approval required for all business cases within limits defined in Operational Delegated Limits for individuals present
I	HEALTHCARE CONTRACTS								
I1	Signing of Healthcare Contracts (Annual Contract Value)				Over £150,000,000	Up to £150,000,000	Up to £25,000,000		
I2	Approval of Healthcare Contract Payments All healthcare contract payments must be supported by signed contract (see H1).				Unlimited (within budget)	Unlimited (within budget)	Unlimited (within budget)	Up to £25,000	Up to £25,000

Section	Description	Delegated to							
		Governing Body	Primary Care Commissioning Committee	Finance & Performance Committee	Clinical Accountable Officer	Chief Finance Officer	Deputy Chief Finance Officer/Deputy Clinical Accountable Officer	Associate/Assistant Directors & Chief Nurse (CN)	Other CCG Officer (as specified by authorised signatory list or approved Oracle user list)
I3	Procurement Route Decision Whether to Put Healthcare Service Out to Tender (Annual Contract Value)	Over £500,000		Up to £500,000	Up to £100,000	Up to £25,000	Up to £25,000	Up to £25,000	
J	APPROVAL OF AD-HOC HEALTHCARE PAYMENTS See authorised signatory list for approval limits for other CCG officers.	Over £1,000,000			Up to £1,000,000 (within budget)	Up to £1,000,000 (within budget)	Up to £1,000,000 (within budget)	Up to £25,000	Up to £25,000
K	QUOTATIONS AND TENDERS Please refer to Tendering and Procurement Procedure, section 13 of Prime Financial Policies.								
K1	Tender Waiver Approval (Total Contract Value – see detailed financial policy on tendering when permissible)	Over £100,000			Up to £100,000	Up to £50,000	Up to £50,000		
K2	Formal Tender In accordance with EU directives and timescales. (Pre qualification to be obtained)				Threshold and above Threshold is £164,176 unless light touch regime applies for healthcare services (see H3)				
K3	Minimum of 3 written competitive tenders: In compliance with EC procurement directive. (No Pre Qualification required)				£80,000 to Threshold Threshold is £164,176 unless light touch regime applies for healthcare services (see H3)				
K4	Minimum of 3 written quotes				£20,000 to £79,999				
K5	No requirement to obtain quotes: Although no formal req't, it is deemed best practice and demonstrates value for money.				Up to £19,999				
K6	Opening of Tenders (at least 2 people from list)				√	√	√	√	
L	VIREMENT In accordance with the virement policy, a virement form must be completed and signed by both parties.	Over £1,000,000		£500,001 - £1,000,000	Up to £500,000	Up to £500,000	Up to £250,000		Up to £250,000
M	DISPOSALS AND CONDEMNATION All assets disposed at market value.	Over £50,000			Up to £50,000	Up to £10,000	Up to £1,000	Up to £1,000	Up to £1,000
N	CHARITABLE FUNDS If charitable funds received in the future a Charitable Funds committee will be established.				The CCG does not currently hold any charitable funds				
O	HUMAN RESOURCES ISSUES								

Section	Description	Delegated to							
		Governing Body	Primary Care Commissioning Committee	Finance & Performance Committee	Clinical Accountable Officer	Chief Finance Officer	Deputy Chief Finance Officer/Deputy Clinical Accountable Officer	Associate/Assistant Directors & Chief Nurse (CN)	Other CCG Officer (as specified by authorised signatory list or approved Oracle user list)
O1	Approve HR Decisions Not Covered By CCG HR Policies or Is Exceptional To Policies (e.g. additional compassionate leave or exceptional carry forward of leave days)				√				
O2	Decisions As Set Out Within HR Policies (where there is some management discretion e.g. study leave authorisation)				√	√	√	√	
O3	Approving Operational Structure (re staffing and departments)				√				
O4	Appointment to Posts Below Associate Directors				√	√	√	√	
O5	Appointment to Chief Nurse or Above (not covered in Constitution Appendix D)				√				
P	EXTERNAL COMMUNICATIONS & REPORTING								
P1	Approve Complaints Responses and Letters to Politicians and Media Responses				√				
P2	Approve Public Consultation Material				√				
P3	Approve Public & Staff Engagement Material incl Website				√	√	√	√	
P4	Approve FOI Responses				√	√	√	√	
Q5	Approve Annual Engagement & Communication Plan	√			√				