

Terms of Reference: Planning and Commissioning Forum

Version control

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Change history

Version number	Changes applied	By	Date
1.0	Approved Terms of Reference	Ali Jan Haider / Iain MacBeath	16 April 2021
2.0	Transferred into accessible format and updated in-line with Scheme of Reservation and Delegation (SORD)	Jane Wood, Javeid Karim, Iain MacBeath & Sue Baxter	7 March 2023

Planning and Commissioning Forum Terms of Reference

1. Introduction

In line with the Health and Social Care Act 2022, NHS England and Local Authorities are focusing on improving health and care services and tackling health inequalities through better integration. The Planning and Commissioning Forum (PCF) will help to provide system leadership and strategic direction to the joint planning and commissioning arrangements within the Act as One local framework across Bradford District.

2. General

In these Terms of Reference, the following capitalised terms are given the meaning set out in the NHS West Yorkshire Integrated Care Board Constitution as updated from time to time, unless the context otherwise requires:

- West Yorkshire ICB Conflict of Interest Policy
- West Yorkshire ICB Constitution
- West Yorkshire Standing Order or Standing Orders

Other capitalised terms have the meaning set out below:

- “Attendee” refers to a participant of this Planning and Commissioning Forum as listed in paragraph 7
- “PCF” refers to this Planning and Commissioning Forum
- “Chair” means the chair of this Planning and Commissioning Forum
- “ICB” means the NHS West Yorkshire Integrated Care Board, including any individual, organisation or committee to which its powers or responsibilities are delegated
- “ICB Business” has the meaning given to it at paragraph **Error! Reference source not found.** “ICB Committee” means a committee of the ICB
- “ICB Policies” means any policy, process or procedure formally adopted by the ICB
- “Member” refers to a member of this Planning and Commissioning Forum as listed in paragraph 6
- “NHS Foundation Trust Partner” means Airedale NHS Foundation Trust, Bradford District Care NHS Foundation Trust and/or Bradford Teaching Hospitals NHS Foundation Trust
- “Partner” refers to a partner organisation in the Place Partnership which is also a party to the SPA

- “Partnership Business” has the meaning given to it at paragraph **Error! Reference source not found.**
- “Partnership Board” means the Bradford District and Craven ICB Committee as described in the Constitution
- “Place Lead” means that individual appointed by the ICB to oversee and help develop the Place Partnership
- “Place Partnership” means the partnership of organisations described in the SPA
- “SPA” means the Strategic Partnering Agreement entered into by the Partners for the transformation and better integration of health and care services for the population of Bradford District and Craven
- “Working Days” means a weekday that is not a bank holiday in England
- “Written Resolution Procedure” is the written resolution procedure described at paragraph **Error! Reference source not found.**

This Planning and Commissioning Forum shall operate in accordance with the vision, objectives and principles set out in the terms of reference of the Partnership Board. When advising or making recommendations on behalf of the ICB, it will comply with relevant ICB policies

The ICB Standing Orders shall apply to this Planning and Commissioning Forum unless these Terms of Reference expressly make alternative provision that they do not

3. Reports to

The Planning and Commissioning Forum reports to the Partnership Leadership Executive on joint commissioning plans. The Planning and Commissioning Forum also reports to the Health and Wellbeing board for assurance and oversight relating to the better care fund.

Members and attendees may also report back to their respective Partner organisations or relevant priority Partnership Boards.

4. Purpose

The purpose of the Planning & Commissioning Forum is to provide system leadership and strategic direction to the joint planning and commissioning arrangements between health and care within the ‘Act as One’ local framework across Bradford & District.

It is also responsible for overseeing and managing the section 75 agreement, including the Better Care Fund where it will:

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- Provide an informal forum for commissioners to jointly share their work and request strategic input against overall commissioning plans and specific schemes, before progressing to the nominated Partnership Board.
- Connect health and care related commissioning plans
- Receive commissioning requests from other system partnership boards for consideration and response
- Share best commissioning practice and use health and/or local authority commissioning and procurement routes to the system's advantage
- Explore the potential for greater integrated commissioning between health and the local authority
- Review and agree the Better Care Fund plan and Section 75 agreements between the local authority and the NHS;
- Take a joint approach to commissioning the voluntary and community sector, including a published annual joint commissioning plan to the sector
- Co-operate with the Pooled Fund Manager in meeting reporting requirements for the Better Care Fund in accordance with relevant National Guidance.
- Identify and engage with relevant partnership committees, groups and forums in relation to the planning of the Better Care Fund.
- Report directly to the H&WB on a quarterly basis in accordance with relevant National Guidance.
- Produce an annual report to Partnership Leadership Executive to demonstrate the impact of the group and the services that have been jointly commissioned.

5. Remit and responsibilities

The remit of the Planning and Commissioning Forum is to:

1. Lead collaborative planning across the Bradford District system and ensure that planning and commissioning arrangements are co-produced, delivered and monitored.
2. Act as an advisory and recommendation sharing forum for joint planning and commissioning.
3. For agreed joint or integrated commissions, recommend and advise on the provision of services across Bradford Council and the ICB in line with allocated resources including
 - a. Secure service delivery to achieve agreed outcomes.
 - b. Working with Voluntary Organisations and independent sector providers to develop services that promote a positive impact on the health and wellbeing of people across the Bradford District.

4. Agree pathways, thresholds, service specifications and service standards for joint arrangements between the council and the ICB.
5. Refresh and align the priorities of the Better Care Fund Plan for 2021-24
6. Refresh, update and approve section 75 agreements
7. Provide assurance to the Partnership Leadership Executive on the progress and outcomes of the Planning and Commissioning Forum.
8. Advise the PLE on matters relating to joint commissioning and the use of Section 75 flexibilities in furthering the health & care integration agenda.
9. Agree the application of the Better Care Fund with the Partnership Leadership Executive and submit the plans to the Health and Wellbeing Board.
10. Provide recommendation and advice on partnership business in relation to matters discussed within the forum.

6. Members

Members contribute to discussion, participate in decision making and are accountable for decisions made. If a matter goes to a vote, then each member has one vote save that the Chair shall have a casting vote, as set out in paragraph **Error! Reference source not found.**. The Chair and membership of the Planning and commissioning forum will be reviewed annually.

The PCF will be jointly chaired by the Strategic Director of Health and Wellbeing (CBMDC) and the Strategic Director of Integrated Health & Care (NHS Bradford ICB). The Members of this Committee are:

- Director of Integrated Health and Care - BDC Health and Care Partnership (West Yorkshire ICB) place (co-chair)
- Strategic Director of Health and Wellbeing, Bradford Metropolitan District Council (co-chair)
- Assistant Director of commissioning & integration, Bradford Metropolitan District Council
- Assistant Director of Contracts and Relationships - BDC Health and Care Partnership (West Yorkshire ICB) place
- Head of Public Health, Bradford Metropolitan Council
- Associate Director of Integrated Health and Care – BDC Health and Care Partnership (West Yorkshire ICB) place
- Head of Service for Quality Assurance and Safeguarding: Reviewing & Children Services, Bradford Metropolitan Council

7. Attendees

The following individuals will be invited to attend each meeting of this Planning and Commissioning Forum as Attendees. Attendees attend meetings and may be invited by the Chair to participate in discussions from time to time. They do not vote.

The Attendees of this Committee are:

- Assistant director of governance and assurance, BDC Health and Care Partnership (West Yorkshire ICB) place
- Service Manager for Strategic Commissioning, Bradford Metropolitan District Council
- Support and Integration Manager, Bradford Metropolitan District Council
- Head of Strategic Commissioning, Bradford Metropolitan District Council
- Head of Commissioning for Mental Wellbeing, BDC Health and Care Partnership (West Yorkshire ICB) place
- Chief Finance Officer, BDC Health and Care Partnership (West Yorkshire ICB) place
- Finance Lead, BDC Health and Care Partnership (West Yorkshire ICB) place
- Business Advisor of Corporate Resources, Bradford Metropolitan District Council
- Service Manager for Contracts and Quality, Bradford Metropolitan District Council

The Chair may invite such other attendees to attend any meeting of this Planning and Commissioning Forum as the Chair considers appropriate.

Any individual wishing to attend a meeting of this Planning and Commissioning Forum should make a request to the Chair by writing to the Support and Integration Manager, to be received at least three working Days to the meeting. Attendance is at the Chair's discretion.

8. Deputies

With the permission of the chair, a member may nominate a deputy to attend the planning and commissioning forum on their behalf where they are unable to attend. The deputy may speak on the member's behalf but will not be able to vote. The decision of the Chairs regarding authorisation of nominated deputies is final.

Members should inform the chair of their intention to nominate a deputy and should ensure that any such deputy is suitable and briefed. Any requests for a deputy to be appointed should be made to the Chair at least five Working Days before the meeting. The Chair shall have discretion to accept requests made after this time if they consider there is good reason for the late notification.

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Any reference to Member in these terms of reference includes a deputy appointed in accordance with this paragraph.

9. Chair

The Chair of this Planning and Commissioning Forum shall be shared between the ICB and Council. If the Chair is unable to attend a meeting or carry out the role of the Chair between meetings this shall be taken on by the Co-Chair.

If both the Co-Chairs are absent then the members present at the meeting shall appoint a temporary Chair for the purposes of that meeting and if they wish any preparation needed in advance of the next meeting.

References to Chair shall be read accordingly.

10. Quoracy

No decisions shall be made unless at least one member from each organisation, with the appropriate level of delegation, is present. This includes at least one representative of the council and one representative from the BD&C Health and Care Partnership (West Yorkshire ICB).

If a meeting is or becomes inquorate, this will be added to the minutes. Members may discuss matters but no formal decisions will be made. Any discussions will be summarised at the start of the next meeting of this Planning and Commissioning Forum.

The expectation of the Partners is that this Planning and Commissioning Forum will meet regularly as scheduled. The Partners recognise that even if a meeting is not quorate, useful discussions may take place. However, if the Chair has received apologies for a meeting in advance that indicate that a quorum will not present, the Chair may cancel the meeting if they are satisfied that this is the more appropriate use of Members' time.

An individual who has been disqualified from participating in a discussion on any matter and/or from voting on any motion by reason of a declaration of a conflict of interest, shall no longer count towards the quorum.



11. Conduct of meetings

Meetings of this Planning and Commissioning Forum will be run by the Chair. Meetings will generally be held virtually on 'Microsoft teams'. Meeting in person will be arranged where it is felt to be useful by the membership. Hybrid meetings will be enabled where possible/necessary.

The Chair shall have discretion to permit an attendee to participate in a meeting by telephone, video or by other electronic means where they are available and the Chair is satisfied that there is good reason for the request, such as clinical commitments. Participation by any of these means shall constitute presence in person at the meeting provided all Members and Attendees in attendance can be heard and hear one another.

Any request to participate in a meeting by telephone, video or by other electronic means should be made to the Chair at least five working days before the meeting. The Chair shall have discretion to accept requests made after this time if the Chair considers there is good reason for the late notification.

The Chair may also require that a meeting take place entirely by telephone, video or by other electronic means where there is good reason to do so, for example the difficulties of managing hybrid meetings or public health concerns.

In line with the Standing Orders, it is expected that decisions will be reached by consensus. Should this not be possible, each member will have one vote, the process for which is set out in the section below:

- a. All Members of this Planning and Commissioning Forum who are present at the meeting will be eligible to cast one vote each.
- b. Absent members may not vote by proxy. Absence is defined as being present at the time of the vote but this does not preclude anyone attending by teleconference or other virtual mechanism from exercising their right to vote if eligible to do so. However, they are able to appoint a deputy in accordance with paragraph **Error! Reference source not found.**
- c. A resolution will be passed if more votes are cast for the resolution than against it.
- d. If an equal number of votes are cast for and against a resolution, then the Chair will have a second and casting vote.
- e. Should a vote be taken, the outcome of the vote, and any dissenting views, must be recorded in the minutes of the meeting.

If the Chair considers it appropriate, decisions may also be taken through the Written Resolution Procedure set out below:

- a. The Chair will arrange for an email to be written that:

- confirms the resolution(s) that the members are being asked to approve;
 - includes, by way of an attachment, all of the relevant information to enable the member to reach a decision on the proposal(s);
 - contains the deadline (date and time) for response that shall be at least ten Working Days from the date of the email; and
 - confirms the email address to which the Member's vote should be sent.
- b. The Chair will arrange for the email and accompanying documents to be sent by e-mail to all Members on the same date.
- c. Each member shall reply to the designated email address by the deadline given setting out whether they accept, reject or abstain in relation to each resolution set out in the email. Once a member has responded stating they accept, reject or abstain in relation to a resolution they may not amend or retract their vote.

Exceptions:

- d. The following decisions may not be taken by way of the Written Resolution Procedure:
None

Passing the written resolution:

- a. In order for the written resolution to be passed the quorum rules must be complied with. If any member does not respond to a resolution proposed by the Written Resolution Procedure by the deadline given they are not present for the purpose of the quorum. Responses received after the deadline will be disregarded.
- b. Provided the quorum requirements have been complied with, a resolution will be passed if all members respond by the deadline to approve the resolution.
- c. The Chair will arrange for Members to be notified of the outcome with the Written Resolution Procedure within five working days of the deadline.
- d. The outcome of all uses of the Written Resolution Procedure will be recorded in the papers for the next meeting. This will include details of votes approving or rejecting each resolution, any abstentions and details of any Member that did not respond by the deadline.

12. Frequency of meetings

This Planning and Commissioning Forum will meet at once a month. As a minimum the PCF will meet at least once in any three-month period.

The Chair may call an additional meeting at any time by giving not less than 10 Working Days' notice in writing to all members and attendees.

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The Partnership Board or the partnership leadership executive may request that Planning and commissioning forum meet within a reasonable timeframe to discuss a particular matter. Such requests should be submitted to the Chair.

Members and attendees shall be given at least ten working days' notice of any meeting save that in emergency situations the Chair may call a meeting with three working days' notice by setting out the reason for the urgency and the decision to be taken. Papers shall be circulated at least two working days before the meeting.

If a member is unable to attend a formal meeting of the Planning and Commissioning Forum, they shall appoint a suitable individual to deputise for them.

13. Urgent decisions

Not Applicable

Declarations of interest

If any member or attendee has an interest, financial or otherwise, in any matter and is present at the meeting at which the matter is under discussion, he/she will declare that interest as early as possible before the meeting and act in accordance with the West Yorkshire Integrated Care Boards Conflicts of Interests Policy.

The Chair will determine how a conflict of interest should be managed in accordance with the Conflicts of Interests Policy, taking into account any previously agreed arrangements for managing a conflict of interest. The Chair may require the individual to withdraw from the meeting or part of it. The individual must comply with these arrangements, which must be recorded in the minutes of the meeting.

14. Support to the committee

Administrative support will be provided to this Planning and Commissioning Forum by the Health and Wellbeing Department in Bradford Metropolitan District Council. This will include:

- Agreement of the agenda with the Chair
- Sending out agendas and supporting papers to members and attendees at least five Working Days before the meeting, unless later circulation has been authorised by the Chair (exceptional circumstances only)
- Taking minutes of the meetings, including an accurate record of attendance, key points of the discussion, matters arising and issues to be carried forward

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- Drafting minutes for comment and approval by the Chair within five Working Days of the meeting. Following Chair's approval, distributing the minutes to all Members and Attendees within five Working Days of the approval. Updating minutes in accordance with any amendments agreed at subsequent meetings
- Maintaining an on-going list of actions, specifying the Member(s) responsible for each action, due dates, progress and completion
- Maintaining an annual work plan
- Receiving notifications and requests on behalf of the Chair, including notifications relating to conflicts of interest, requests for meetings and/or nomination of deputies

Notifications and requests to the Chair must be sent to the Support and Integration Manager: Javeid.Karim@bradford.gov.uk

It is the responsibility of members and attendees to ensure that they provide their contact details to the Chair (email and direct dial telephone number) and keep these up to date.

Papers will be circulated electronically. Members or attendees wishing to receive the papers in a particular format (e.g. large print, hard copy) should make a request to the Chair. The Chair has discretion as to whether to meet the request.

15. Authority

This Planning and Commissioning Forum is authorised to investigate any activity within these terms of reference. It is authorised to seek any information it requires within its remit, from any member of staff of a Place Partner and Place Partners will ensure that their staff are directed to co-operate with any such request made by this Planning and Commissioning Forum.

This Planning and Commissioning Forum is authorised to commission any reports or surveys it considers necessary to help it fulfil its obligations. In doing, so, this Planning and Commissioning Forum must follow procedures put in place by the ICB and the Partnership Board for obtaining legal or professional advice.

Decisions of the PCF shall be made unanimously. Where unanimity is not reached, in the first instance, the item should be referred to the next PCF meeting. If unanimity is not reached on the second occasion, then the matter shall be progressed in accordance to the dispute resolution procedure set out in the Section 75 Agreement.

Where a Partner is not present and has not given prior written notification of its intended position on a matter to be discussed, then those present may not make or record commitments on behalf of that Partner in any way.

This Planning and commissioning forum is authorised to obtain legal or other independent professional advice and secure the attendance of advisors with relevant expertise if it considers this is necessary. In doing, so, this Planning and commissioning forum must follow the relevant procedures put in place by the BMDC and the ICB.

This Planning and commissioning forum is authorised to create and dissolve time limited task and finish groups as are necessary to fulfil its responsibilities. When doing so, this Planning and commissioning forum must set clear a clear scope of work and deadline for completion for such groups. Such groups shall not be able to take decisions on behalf of this Planning and commissioning forum.

This Planning and Commissioning Forum has the working group listed below, which report to it. These working groups exist to support this Planning and Commissioning Forum and are not time-limited. This Planning and Commissioning Forum shall determine their membership, scope and work programme and ensure that these are recorded in writing, regularly reviewed and understood by all participants. A working group may be dissolved by the Planning and Commissioning Forum but permanent working groups cannot be created by this PCF without the agreement of the Partnership Board, as outlined below.

- Section 75 Working Group - This group meet on a monthly basis 2 weeks prior to the planning and commissioning forum. The aim of this working group is to collate key updates on the Section 75 arrangements and to report actions that are required by the planning and commissioning forum.

This Planning and Commissioning Forum may not create any formal sub-committees, delegate any of its decision-making responsibilities or establish any permanent working groups unless expressly authorised by the Partnership Leadership Executive. Even if any delegation is approved, this Planning and Commissioning Forum remains accountable for the work that is delegated.

16. Reporting

As a minimum, the Planning and Commissioning Forum shall submit an annual report to the Partnership Leadership Executive meeting.

The Chair shall draw to the attention of the Partnership Leadership Executive any significant issues or risks relevant to the Place Leadership Executive or the ICB.

This Planning and Commissioning Forum shall submit an annual report, reviewing its outputs, and achievements of the previous year to the Partnership Leadership Executive. This Planning and Commissioning Forum shall also propose an annual work plan to the Partnership Leadership Executive for approval. The Partnership Leadership Executive may make such changes to the annual work plan as it considers appropriate in consultation with the Chair.

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The PCF will report to the PLE as required to alert, assure or advice on matters of relevance.

The PCF will meet the reporting requirements of the Better Care Fund to the Health & wellbeing Board.

Any matters that are within the remit of the PCF that should be sighted in the public domain will be reported by the PLE to the ICB Partnership Executive.

This Planning and Commissioning Forum will receive for information the minutes of other meetings which are captured in the Committee's work plan e.g. minutes of its working groups.

17. Conduct of the committee

All members and attendees will operate within the ICB Constitution, the standing orders, standing financial instructions, other financial procedures and ICB Policies provided always that this requirement may be disapplied by the Partnership Board in relation to Partnership Business, such authorisation to be given in advance and in writing.

All members and attendees will operate in accordance with the Strategic Partnering Agreement (SPA), the section 75 agreement, the better care fund and any other relevant policies or documents agreed by Bradford Metropolitan District Council and the BD&C Health and Care Partnership (West Yorkshire ICB).

All Members and Attendees will attend and complete any training required by the Chair or the Partnership Board.

Members and attendees will have due regard to the equality and diversity implications of decisions they make and consider whether any new advice or recommended approach achieves positive change around inclusion, equality and diversity.

Members and Attendees will abide by the 'Principles of Public Life' (The Nolan Principles) and the NHS Code of Conduct.

The requirements listed above in relation to conduct of members and attendees shall also apply to members of any working groups or task and finish groups reporting to this Planning and Commissioning Forum.

The Committee shall undertake an annual self-assessment of its own performance against the annual work plan, these terms of reference and the SPA. The self-assessment shall form the basis of the annual report from this Planning and Commissioning Forum to the Partnership Leadership Executive.

The Partnership Leadership Executive may remove an individual member from this Planning and Commissioning Forum if:

- That individual fails to comply with these terms of reference

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- That individual has behaved in a way, or is threatening to behave in a way, that is likely to bring this Planning and Commissioning Forum, the Partnership Board and/or the ICB into disrepute
- That individual has attended less than [75%] of the meetings of this Planning and Commissioning Forum in any [12 months] period
- The individual no longer meets the relevant membership requirement set out at paragraph **Error! Reference source not found.**, for example because they no longer hold a particular post or work for a particular organisation or
- They qualify for membership of this Planning and Commissioning Forum through their host organisation and that host organisation leaves the Place Partnership

18. Amendments

This Planning and Commissioning Forum may propose changes to its terms of reference to the Partnership Leadership Executive.

Any changes to these terms of reference must be approved by the Partnership Leadership Executive.

19. Review date

These terms of reference shall be reviewed annually.

20. Implementation

These terms of reference come into effect on 1 June 2023.