

Healthwatch Worcestershire
Board Meeting in Public
Wednesday 18 February 2015

Primary Care Co-Commissioning

1. Background Information

The co-commissioning of primary care by NHS England (NHSE) and Clinical Commissioning Groups (CCGs) is one of a series of changes set out in the NHS Five Year Forward View. Co-commissioning is seen as a key enabler in developing seamless, integrated out-of-hospital services based around the diverse needs of local populations, and in driving the development of new models of care such as multispecialty community providers of primary and acute care systems.

In November 2014 NHSE published 'Next steps towards primary care co-commissioning' inviting CCGs to apply to participate in one of 3 models of primary care co-commissioning w.e.f. April 2015. The models are:

- Greater involvement in primary care decision-making with NHSE
- Joint Commissioning arrangements with NHSE
- Delegated commissioning arrangements from NHSE

The scope of primary care co-commissioning arrangements in 2015/16 is general practice services only. The model of 'Delegated Commissioning Arrangements' will include contractual GP performance management, budget management and complaints management. However, co-commissioning excludes all functions relating to individual GP performance management.

In joint arrangements NHSE and CCGs, or in delegated arrangements, CCGs may vary or renew existing contracts for primary care provision or award new ones depending on local circumstances. CCGs and NHSE must comply with public procurement regulations and with statutory guidance on conflicts of interest.

NHSE has developed draft governance frameworks and terms of reference for joint arrangements and delegated arrangements on behalf of CCGs.

These require the CCGs to set up a primary care co-commissioning committee and to invite local Healthwatch to attend the committee as a non-voting member.

NHSE recognises recognition that co-commissioning is likely to increase the range and frequency of real and perceived conflicts of interest, especially for delegated arrangements. Therefore NHSE has strengthened statutory guidance that is provided to CCGs.

‘Next steps towards primary care co-commissioning’ requires the CCG to invite a representative from local Healthwatch to join the primary care co-commissioning committee as a non-voting attendee. There is no obligation on the part of local Healthwatch to participate.

NHSE consulted with Healthwatch England (HWE) in drafting ‘Next steps towards primary care co-commissioning’

South Worcestershire CCG (SWCCG) has applied for the ‘delegated’ model and has extended an invitation to Healthwatch Worcestershire to join its Primary Care Co-Commissioning Committee which currently exists in shadow form.

Healthwatch Worcestershire understands that Redditch & Bromsgrove CCG and Wyre Forest CCG have together applied to NHSE for the ‘Joint commissioning’ model.

In preparing this report Healthwatch Worcestershire has engaged with NHSE, HWE, and Worcestershire’s CCGs.

2. The local Healthwatch role

‘Next steps towards primary care co-commissioning’ associates the participation of local Healthwatch in the primary care co-commissioning committee with transparency, mitigating conflicts of interest and to support alignment in decision making across the local health and social care system. However, none of these roles are explicit statutory functions of local Healthwatch. To the contrary, for example, the responsibility for transparency and the management of conflicts of interests rests with the CCG.

Healthwatch Worcestershire understands that it is the NHSE intention that local Healthwatch should not be excluded from the primary care co-commissioning committee at times that it is in closed session.

3. Engagement by Healthwatch Worcestershire

The Directors of Healthwatch Worcestershire broadly support, the aims of primary care co-commissioning, and as a principle would want to participate in the primary care co-commissioning arrangements that Worcestershire's CCGs put in place. However, they note that the 'delegated' model transfers the management of GP complaints from the NHSE Local Area Team to the CCG and are concerned that the public may perceive this as removing independent oversight from the complaints system. This concern has been escalated to HWE as it is a matter of national policy.

Participation as a 'non-voting' attendee is entirely consistent with the governance arrangements of Healthwatch Worcestershire and the role it has established for itself to ensure its independence. [NB. With the exception of the Health & Well Being Board on which local Healthwatch has statutory membership]

However, the Directors consider that the role that Healthwatch Worcestershire fulfils within the primary care co-commissioning committee must be consistent with the statutory functions of local Healthwatch, as opposed to the role described in 'Next steps towards primary care co-commissioning'.

4. Recommendations:

- **Healthwatch Worcestershire accepts the invitation from SWCCG to participate in its Primary Care Co-Commissioning Committee as a non-voting attendee, subject to the following conditions:**
 - **Negotiating with SWCCG terms of reference for Healthwatch Worcestershire's role in the primary care co-commissioning committee which reflect the statutory functions of local Healthwatch.**

- Mutual agreement with SWCCG on the interpretation and operation of the statutory guidance on managing conflicts of interest.
- Responsibility is delegated to the Chief Operating Officer to the negotiate terms of reference and to consider the guidance for managing conflicts of interest with SWCCG.
- The decision to participate is reviewed at the Board Meeting in Public on 16 April to confirm the conditions have been met.

Simon Adams QPM
Chief Operating Officer
12.02.2015