

**Schedule 4: Governance**  
**Terms of Reference for Adults JMG & Better Care Fund JMG**

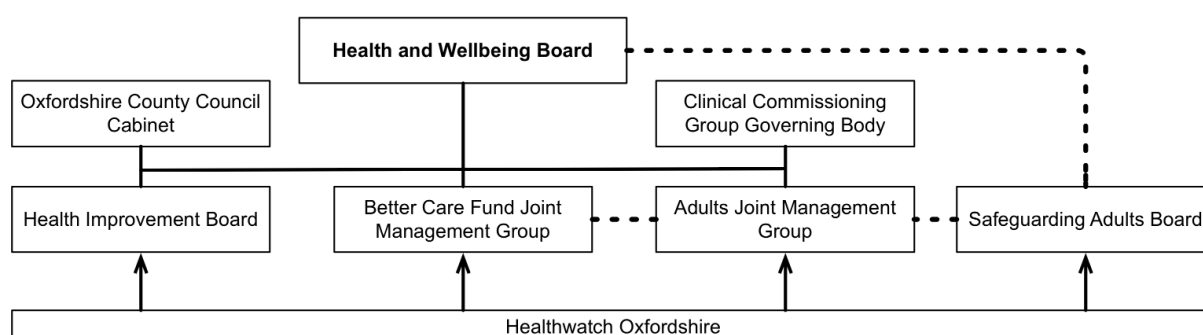
**Section 1 – Provisions common to all JMGs**

**1. Role of JMG**

The role of the JMG is to monitor strategy, governance, finance, performance and risk regarding the management of funding resource.

**Strategy and Governance**

- a) Deliver the commissioning strategies through the Commissioning Intentions agreed annually by the Partners
- b) Managing and overseeing progress against key outcomes for adults within the Oxfordshire Health and Wellbeing Strategy, including reporting to each meeting of the Health and Wellbeing Board.
- c) Work with Healthwatch Oxfordshire to ensure the involvement of service users and carers in the development and delivery of commissioning strategies and intentions.
- d) Review the operation of this Agreement and consider its renewal subject to the terms of any existing contractual commitments
- e) Review and consult on commissioning strategies and intentions, and revise this agreement as appropriate
- f) Annually and formally agree the annual contribution made by each Partner.
- g) Annually and formally agree Commissioning Intentions for the Pooled Fund.



**Finance**

- h) Be responsible for the allocation of budget to cost centres. Budget holders are responsible for delivering the agreed strategy within their allocated budget.
- i) Be responsible for ensuring that spending is contained within the resources available and maximising the use of the resources.
- a) Receive monthly finance reports from the Pool Manager as set out in this Schedule.
- b) Agree such variations to this Agreement from time to time as it sees fit.

- c) Review and agree annually revisions to this agreement as required.
- d) Agree a scheme of financial management with the Pool Manager.
- e) Set such protocols and guidance as it may consider necessary to enable the Pool Manager to approve expenditure from the Pooled Funds.

### **Performance**

- f) Receive monthly performance reports from the Pool Manager
- g) Consider progress on key objectives as outlined in this agreement and consult further where necessary.
- h) Approve the monthly, quarterly and annual reports on outcomes as appropriate from the Pool Manager to be submitted by the JMG to the Partners for information.
- i) report on progress to stakeholders through the relevant programme or partnership board

### **Risk**

- j) Monitor the appropriate reports quarterly to assess any risk that expenditure might exceed the contributions to the Pooled Fund and that where there is such a risk ensure actions are put in place to address the overspend.
- k) Review risks quarterly in relation to delivery of objectives, performance of commissioned services, and reputation of the Partners in relation to the Pooled Budget
- s) Review any other risks quarterly relating to the performance of this agreement
- t) Review annually the overspend and underspend provisions of Clause 8 and Schedule 3 of the Agreement.

## **2. Role of Pool Manager**

The Pool Manager shall retain oversight of the pool as a whole and retain responsibility for the:

- 2.1 Submission of monthly finance and performance reports to the JMG;
- 2.2 Submission of monthly, quarterly and annual reports on finance and performance to JMG for approval and submission to the Partners;
- 2.3 Preparation of an annual budget and commissioning intentions for approval by JMG;
- 2.4 Management of the Pooled Fund on a day-to-day basis; and
- 2.5 Reporting to the JMG immediately any forecast overspend / underspend on Pooled Funds and submit an action plan to bring the budget back into balance or seek guidance from JMG on actions to achieve balance.

## **3. JMG Support**

The JMG will be supported by officers from the Council and the OCCG. From time to time and they may be involved in assisting the JMG in implementation of the aims, objectives and intended outcomes set out at Clause 3 and as specified in Schedule 1 and performance targets as agreed by the JMG.

The Pooled Budget Officers Group will report to the JMG and offer a level of integration to both the Council and OCCG regarding the level of activity, management of financial risk and the delivery of the strategic objectives. They will be responsible for reporting to the Joint Management Group on activity, spending and performance that standardises the approach across the pooled budgets.

#### **4. Meetings**

- 4.1 The JMG will meet bi-monthly with at least one meeting annually held in public and used to review the overall pool position
- 4.2 The Joint Management Groups will be supported by a Pooled Budget Officers Group that will meet on the alternating months.
- 4.3 JMG members will receive an agenda and accompanying reports and papers at least 5 working days before each meeting.
- 4.4 However, it is recognised that on occasions and dependent on dates of meetings it may not always be possible to produce financial reports this far in advance, in which case they will be circulated as far in advance of the meeting as possible.

#### **5. Decision Making**

- 5.1 Decision making in relation to the pooled budgets will rest with the Joint Management Groups unless delegated appropriately.
- 5.2 Decisions of the JMG shall be made by those JMG voting members present and shall require the unanimous consent of all voting members. Where there is disagreement between the Partners the Lead Commissioner shall have discretion to take such action or inaction as it decides in accordance with its obligations under this Agreement. All decisions shall be recorded in writing. Minutes of the meetings to include all decisions made shall be kept and copied to the JMG members by the Pool Manager within 14 days of every meeting.
- 5.3 The views of those in attendance will be taken into account for all of the work of the JMG including decision making. These views will be recorded in the minutes of the meeting. This will include agreement or disagreement to the decisions made by voting members.

#### **6. Deputies and Quorums**

- 6.1 All members of the JMG will have named deputies who may attend meetings on behalf of the JMG members. Such deputies will have authorisation from the respective Partners to take any actions that the member is authorised to take. Such deputies should be appropriately briefed and with sufficient authority to fulfil the same role and be able to make similarly informed decisions on behalf of the organisation they represent as the member for whom they are

deputising. In exceptional circumstances an alternative deputy will be allowed subject to this being confirmed in writing from the member to the Pool Manager prior to the meeting and being agreed by the other Partner. Such alternative deputies will have authorisation from the respective Partners to take any actions that the member is authorised to take.

- 6.2 Meetings will only be considered quorate if there are 2 members/deputies attending from each of the Partners.

## **7. Confidentiality**

From time to time the JMG will be discussing both financially and commercially sensitive information and personal client and carer information. It is important that all members of the JMG and all other attendees are clear that they must treat the information as confidential and that they must discuss and use such information outside the JMG only where it is appropriate to do so in order for them to fulfil their obligations.

## **8. Openness and Transparency**

- 8.1 The JMG will meet once yearly in public.
- 8.2 The public's rights of access to the JMG's public meetings will be subject to the Access to Information Procedure Rules (Part 8.1 of the Council's Constitution). These make provisions for the giving of public notice of meetings, access to agendas, reports and minutes, the supply of copies of such papers, the inspection and purchase of background papers and the circumstances in which the public may be excluded from meetings by virtue of the consideration of confidential or exempt information.
- 8.3 In addition, the Freedom of Information Act 2000 gives a general right of access to information held by public authorities and will extend to information generated by, or for, the Board and held by any public authority.

## **Section 2 – Pool-specific provisions for each JMG**

**A BETTER CARE FUND** including services for older people and for adults with physical disabilities

### **A1 JMG Membership**

A1.1 Oxfordshire County Council will act as the lead organisation for the Better Care Fund.

A1.2 The membership of the JMG with voting rights will be as follows:

The Council:  
Director of Adult Social Care  
Director of Finance

The OCCG:  
COO & Deputy Chief Executive  
Director of Finance

A1.3 Each named representative assigned to the roles specified above may be changed by the Partner which is being represented by written notification to the other Partner.

A1.4 In Attendance: (Non-Voting): Others may be invited where JMG consider this appropriate.

## **A2 Chair**

The Better Care Fund Joint Management Group will be chaired by the Council Cabinet Member for Adult Social Care, or by his nominated deputy if absent, unless otherwise agreed by the Partners.

**B. ADULTS WITH CARE AND SUPPORT NEEDS** covering services for people with learning disabilities (of any age), autism, mental health needs and acquired brain injuries.

## **B1 JMG Membership**

B 1.1 Oxfordshire County Council will act as the lead organisation for the Learning Disabilities and Acquired Brain Injury elements within the pool, and Oxfordshire Clinical Commissioning Group will act as the lead organisation for the Mental Health and autism elements.

B1.2 The membership of the JMG with voting rights will be as follows:

The Council:  
Director of Adult Social Care  
Director of Finance

The OCCG:  
COO & Deputy Chief Executive  
Director of Finance

B1.3 Each named representative assigned to the roles specified above may be changed by the Partner which is being represented by written notification to the other Partner.

A1.4 In Attendance: (Non-Voting): Others may be invited where JMG consider this appropriate.

## **B2 Chair**

The Adults with Care and Support Needs Joint Management Group will be chaired by the Clinical Lead from Oxfordshire Clinical Commissioning Group, or by his nominated deputy if absent, unless otherwise agreed by the Partners.