



Bolton Clinical Commissioning Group

Member Eligibility Policy

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| Policy Number | MEMB001 |
| Target Audience | NHS Bolton CCG members |
| Approving Committee | NHS Bolton CCG Clinical Executive |
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The CCG is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

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Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

Version Control Sheet

| Version | Date | Reviewed By | Comment |
|----------------|--------------------------------|------------------------------------|---------------------------------|
| Draft v0.1 | 10 th June 2014 | F Moore | Initial Draft |
| Draft v0.2 | 25 th July 2014 | W Bhatiani, A Walker, S Long | No comments |
| Draft v0.3 | 6 th August 2014 | CCG Executive | Approved |
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1. Introduction and Aims

- 1.1. Section 3 of the NHS Bolton Clinical Commissioning Group (CCG) Constitution states which practices are members of NHS Bolton CCG.
- 1.2. It also requires a Member Eligibility Policy to describe the application and exit process including appeals. This document fulfils those requirements.

2. Eligibility for Membership

- 2.1. Providers of primary medical services to a registered list of patients under a General Medical Services, Personal Medical Services or Alternative Provider Medical Services contract within the geographical area of the CCG, will be eligible to apply for membership of this group¹.
- 2.2. A member shall be entitled to retain its membership of the CCG as long that a member:
 - 2.2.1. Remains eligible for membership under the constitution.
 - 2.2.2. Undertakes any remedial action requested by the Governing Body in accordance with this agreement.
 - 2.2.3. Commits to supporting the objectives of the CCG.
 - 2.2.4. Retains their GP contract with NHS England and acts in accordance with the responsibilities of that contract.
 - 2.2.5. Complies with the Standing Orders of the CCG.

3. New Member Application Process

- 3.1. In considering any requests from additional practices to join NHS Bolton CCG, account will be taken of:-
 - The percentage of Bolton resident patients on the practice list of patients.
 - Any budget implications where a practice is transferring from another existing CCG.
- 3.2. No practice shall become a member of the group unless that practice:
 - 3.2.1. Is eligible to become a member.
 - 3.2.2. The practice lies within the agreed area for the CCG.
- 3.3. Any practice or locality wanting to join the CCG from outside its approved area can only become a member if:
 - 3.3.1. Its geographical boundary is contiguous with the CCG.
 - 3.3.2. It has obtained written approval from NHS England.
 - 3.3.3. It has obtained written approval from the Health & Wellbeing Board.

¹ See section 14A(4) of the 2006 Act, inserted by section 25 of the 2012. Regulations to be made

- 3.3.4. Its application for membership is approved by the CCG Governing Body.
- 3.4. If another locality outside the CCG footprint wanted to join, then all practices within that joining locality would be deemed to have become members of the CCG providing they have satisfied the criteria laid down in 3.2 and 3.3.
- 3.5. New applications for membership of the CCG should be made in writing to the Governing Body.
- 3.6. Changes in membership are subject to the consent of NHS England
- 3.7. A practice shall become a member of the CCG if the Practice:
- 3.7.1. In the opinion of the Governing Body is eligible to become a member.
 - 3.7.2. Has to the satisfaction of the Governing Body submitted to the Governing Body as part of their application, a declaration, signed on behalf of the practice, that the practice shall comply and be bound by the terms of its constitution for the period of its membership.
 - 3.7.3. Has had its application approved by the Governing Body.

4. Exit Process

- 4.1. Practices will become ineligible or cease to be a member of NHS Bolton CCG where:
- 4.1.1. That member ceases to hold an NHS contract to provide primary medical services
 - 4.1.2. That member gives no less than 6 months prior written notice to the CCGs Governing Body of their intention to cease being a member of the CCG, the termination date will be aligned to the end of the financial year.
 - 4.1.3. That member is a sole practitioner and he/she:
 - 4.1.3.1. Dies.
 - 4.1.3.2. Is declared bankrupt.
 - 4.1.3.3. Ceases to be registered as a medical practitioner.
 - 4.1.3.4. Enters into partnership with any other medical practitioner, except where that medical practitioner or the partnership is an existing member.
 - 4.1.3.5. Is suspended from the performers list.
 - 4.1.4. That member is two or more individuals practising in a partnership and the conditions in section 86(2) of the Act are no longer satisfied.
 - 4.1.5. That member is a company limited by shares and:
 - 4.1.5.1. The conditions in section 86(3) of the Act are no longer satisfied.
 - 4.1.5.2. In respect of that company one of the following occurs:

- A resolution is passed for voluntary winding up by reason of insolvency.
- A winding up order is granted.
- A resolution by its directors or members is passed to apply for an administration order.
- An administrator is appointed under the Insolvency Act 1986.
- A receiver or administrative receiver is appointed over any of its assets or income.
- A statutory demand is issued under the Insolvency Act 1986 which is not discharged before it is advertised.
- It is unable to pay its debts as they fall due as determined by section 123 of the Insolvency Act 1986.

4.1.5.3. The practice ceases to be eligible for membership in accordance with section 2.

4.1.6. That practice merges with any other practice, unless that practice is an existing member (for the avoidance of doubt where two practices that are members merge they shall be one member thereafter).

4.1.7. A Notice of Termination is served on the member by NHS England or other relevant regulating body.

4.1.8. That member becomes a member of another CCG.

5. Appeal Process

5.1. On termination of membership the respective member practice shall have access to appeal to an appeal panel sub-committee of the Governing Body with additional external membership.

5.2. The appeal panel sub-committee shall be established for the appeal process only and will have the following composition:

- Chair or Vice Chair.
- 1 x Clinical Director.
- 1 x Lay Member.
- 1 x GP Non Executive Governing Body Member.
- Chief Officer or Chief Finance Officer.
- Public Health Consultant.
- NHS England Executive (from the Area Team).
- LMC Representation.

5.3. The appeal panel sub-committee will review the decision made against the eligibility requirements and the decision making criteria in sections 2, 3 and 4 of this document.

6. Monitoring and review

6.1. The policy and procedure will be reviewed every 2 years by the CCG Executive. Where review is necessary due to legislative change, this will happen immediately.

6.2. The implementation of this policy will be audited every 2 years by the CCG Clinical Executive.

7. Legislation and related documents

7.1. NHS Health and Social Care Act 2012.

7.2. Insolvency Act 1986.

7.3. NHS Bolton CCG Constitution including appendices.