

# **PHO Service Agreement Amendment Protocol**

**A PHO Agreement  
Referenced Document**

**Version 2.2**

**November 2009**

This document is available on the  
DHBNZ Website: [www.dhbnz.org.nz](http://www.dhbnz.org.nz) and  
Ministry of Health's website: <http://www.moh.govt.nz>

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## **1. Role and Membership of the PHO Agreement Amendment Protocol Group**

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- 1.1 A PHO Service Agreement Amendment Protocol Group (the PSAAP Group) is established to consider and make decisions and/or recommendations on:
- (a) proposals to vary or add a Referenced Document (including this Referenced Document)
  - (b) proposals for variations to the Standard PHO Agreement (not including local agreements between a DHB and a PHO recorded in Part J of the Standard PHO Agreement);  
(either referred to as a "Proposal").
- 1.2 The PSAAP Group comprises:
- (a) each PHO's appointed agent (note that more than one PHO may appoint the same agent)
  - (b) each DHB's appointed agent (note that more than one DHB may appoint the same agent)
  - (c) a representative appointed by the Ministry of Health
  - (d) a representative appointed by the National Maori PHO coalition.
- 1.3 PHOs may choose to align with a specific caucus which shares common concerns and perspectives in relation to a matter relevant to the PHO Agreement and work through caucus representatives.
- 1.4 Notwithstanding their possible alignment with a PHO caucus grouping, each PHO may appoint their own representative or agent to represent them on the PSAAP Group.

## **2. Appointing Your Agent**

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- 2.1 You may appoint one representative or agent to represent you on the PSAAP Group, by written notice to the Chair (appointed pursuant to clause 3).
- 2.2 You may change your representative or agent at any time by written notice to the Chair.

- 2.3 You will meet your own costs in relation to any Proposal and your participation in any proceedings of the PSAAP Group and any subcommittee of the PSAAP Group.

### **3. Chair of the PHO Agreement Amendment Protocol Group**

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- 3.1 The PSAAP Group will appoint a chairperson who may be anyone (the Chair).
- 3.2 The Chair holds that office until:
- (a) she or he vacates office;
  - (b) the members of the PSAAP Group elect a Chair in his or her place; or
  - (c) the members of the PSAAP Group remove him or her from office.
- 3.3 The following process will be followed to appoint the Chair:
- (a) the PSAAP Secretariat (refer clause 6) will notify all parties that nominations for the Chair role are being called for;
  - (b) the PSAAP Facilitators Group (refer clause 4) will:
    - receive all nominations;
    - seek applications from those nominees,
    - review applications and interview applicants where appropriate; and
    - make a recommendation for the Chair to the PSAAP Group.
  - (c) the successful applicant's appointment will be agreed to by the PSAAP Group
  - (d) the DHBs will ensure the Chair is engaged accordingly by its agent, District Health Boards New Zealand (DHBNZ).
- 3.4 For the avoidance of doubt, the role of the Chair is to facilitate the effective operation of PSAAP meetings. The Chair has no voting rights on any matter in the case of an independent Chair, and in the case of the Chair being drawn from the PSAAP Group membership, no casting vote.

#### **4. Facilitators Group**

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- 4.1 The PSAAP Group will appoint an executive sub-committee of its members, to be known as the PSAAP Facilitators Group.
- 4.2 The PSAAP Facilitators Group will operate under the terms of reference set out in Appendix 1 to this Referenced Document.
- 4.3 The PSAAP Facilitators Group will consider and report to PSAAP Group on any matter referred to it by the PSAAP Group.
- 4.4 Provided the Chair is in agreement the PSAAP Facilitators Group may also consider and report to the PSAAP Group on any other matter referred to it by any other party.

#### **5. Meetings and Secretariat for the PSAAP Group**

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- 5.1 The PSAAP Group will meet as and when required on such day and time as the Secretariat notifies in writing to each member of PSAAP Group.
- 5.2 Additional meetings of the PSAAP Group or other processes to progress the business of the PSAAP Group may be agreed to by a majority of PHO Agreement Amendment Protocol Group members at any meeting of the PHO Agreement Amendment Protocol Group.
- 5.3 The Chair may accept or invite additional persons (including specialist advisors and stakeholder representatives) to participate in and contribute to discussion at its meetings as the Chair considers appropriate. Such additional participants may not vote on any matter.
- 5.4 Not less than ten (10) Business Days notice of a meeting or a series of meetings of the PSAAP Group must be given to every member of the PSAAP Group, provided that a shorter notice period may be given with the agreement of the majority of the members of the PSAAP Facilitators' Group.
- 5.5 Notice for a meeting of the PSAAP Group will include the date, time and place for the meeting and a list of the matters to be discussed, together with any Proposal(s) referred to PSAAP Group in accordance with clause 6.1.

- 5.6 A meeting of the PSAAP Group may be held either:
- (a) by a number of its members who constitute a quorum, being assembled together at the place, date and time appointed for the meeting; or
  - (b) by means of audio and/or audio-visual communication by which all members participating and constituting a quorum can simultaneously hear each other throughout the meeting; or
  - (c) a combination thereof.
- 5.7 A quorum for a meeting of the PSAAP Group is:
- (a) those PHOs or their agents who together represent 75% of all PHOs; and
  - (b) those DHBs or their agents who together represent 75% of all DHBs; and
  - (c) one Ministry of Health representative.
- 5.8 No decision of a meeting of the PSAAP Group is effective if a quorum is not present.
- 5.9 Proposals (or other papers) submitted for consideration and discussion at a meeting of the PSAAP Group will be managed according to the process described in Appendix 2.

## **6. Secretariat Services**

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- 6.1 DHBs will ensure that its agent, DHBNZ, provides secretariat and administrative services to support the functions of the PSAAP Group (the Secretariat) in accordance with the instructions of the Chair, including ensuring that minutes are kept of all proceedings at meetings of the PSAAP Group.

## **7. Referring Matters to the PSAAP Group**

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- 7.1 The following may refer a Proposal to the PSAAP Group:
- (a) either of us (including agents on our or your behalf)
  - (b) the Ministry of Health.

- 7.2 Proposals referred to the PSAAP Group will be addressed to the Chair and include:
- (a) the purpose and rationale for the Proposal; and
  - (b) the proposed draft of the variation to the PHO Agreement or new Referenced Document or other matter.
- 7.3 Proposals for consideration at the next meeting of the PSAAP Group must be received by the Chair at least ten (10) Business Days prior to the next scheduled meeting. A shorter notice period may be given with the agreement of the majority of the members of the PSAAP Facilitators Group.

## **8. Decision-making Process**

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- 8.1 The PSAAP Group will consider and endeavour to reach a unanimous decision in relation to all Proposals.
- 8.2 The PSAAP Group may appoint a subcommittee of its members (including the PSAAP Facilitators Group) to consider any matter and report back to the PSAAP Facilitators Group and/or the PSAAP Group.
- 8.3 A decision of the PSAAP Group is binding on all parties to any PHO Agreement if it is agreed by:
- (a) DHB representatives representing at least 75 percent of DHBs; and
  - (b) the Ministry of Health's representative; and
  - (c) at least 75 percent of the PHOs, and
  - (d) PHOs who represent at least 75 percent of all enrolled patients in PHOs; and
  - (e) the representative appointed by the National Maori PHO coalition.
- 8.4 (a) Once agreed at a meeting of the PSAAP Group that decision is binding upon us both and a variation to the PHO Agreement for execution by its respective parties will be issued accordingly.
- (b) Where the PSAAP Group is unable to reach a binding decision in relation to a Proposal to vary the Agreement after three months of consultation and discussion the Proposal may be introduced by a nationally consistent variation to Part J of the PHO Agreement that may then be agreed between individual PHOs and DHBs at a local level.

- 8.5 Where the PSAAP Group is unable to reach a binding decision in relation to a Proposal to add or vary a Referenced Document such Proposal will be effected by following the procedures for Compulsory Variation outlined in clause D.11 of the PHO Agreement.
- 8.6 Where a Referenced Document is varied or added in accordance with clauses 8.3 or 8.5 the Secretariat will:
- (a) issue to all PHOs and DHBs, notice of:
    - (i) the varied or new Referenced Document
    - (ii) the date upon which the varied or new Referenced Document comes into effect, which will be the date agreed by the PSAAP Group in accordance with clause 8.3 or through the compulsory variation process referred to in clause 8.5.
  - (b) issue a public notice via the DHBNZ website notifying stakeholders and other interested parties of the matters referred to in clause 8.6(a).
- 8.7 Where the PHO Agreement is varied in accordance with clauses 8.3 or 8.5 the Secretariat will:
- (a) issue to all PHOs and DHBs, a notice containing:
    - (i) the memorandum of variation; and
    - (ii) the date upon which the variation comes into effect, which will be the date agreed by the PSAAP Group in accordance with clause 8.3 or through the compulsory variation process referred to in clause 8.5; and
  - (b) issue a public notice via DHBNZ's website, notifying stakeholders and other interested parties of the matters referred to in clause 8.7(a).

## 9. Definitions and Construction

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9.1 In this Referenced Document, unless the context requires otherwise, capitalised words have the meanings given to them in the PHO Agreement.

9.2 The following capitalised words are unique to this Referenced Document and have the following meanings:

**Chair** means the chairperson for the time being of the PSAAP Group;

**DHBNZ** means District Health Boards New Zealand;

**Proposal** means a paper describing a proposed amendment to the PHO Agreement (including any Reference Document) or any other matter relevant to the operation of PHO Agreement;

**PSAAP Group** means the group established pursuant to clause 1 of this Referenced Document;

**PSAAP Facilitators Group** means the subcommittee of the PSAAP Group established pursuant to clause 4;

**Secretariat** means the administrative support services provided by DHBs for the PSAAP Group, via its agent, DHBNZ;

## Appendix 1 – Terms of Reference PSAAP Facilitators Group

<p><b>Accountability</b></p>	<p>Individual members of the PSAAP Facilitators Group are accountable for their actions to the respective PHO/s or DHB/s that appointed them.</p> <p>The PSAAP Facilitators Group reports to the PSAAP Group on work undertaken by the PSAAP Facilitators Group.</p>
<p><b>Purpose</b></p>	<p>The PSAAP Facilitators Group will:</p> <ol style="list-style-type: none"> <li>1. maintain a Register of Outstanding Issues (as anticipated by clause A.5 of the PHO Agreement) for discussion and negotiation by the PSAAP Group;</li> <li>2. progress issues/actions as directed by the PSAAP Group</li> <li>3. ensure that proposals coming to PSAAP have clarity, a mandate and are technically correct.</li> <li>4. reach agreement on recommendations to the PSAAP group (where appropriate) on minor agreement issues (to be ratified by the PSAAP Group)</li> <li>5. receive PSAAP papers (Proposals), review them for completeness and ensure sufficient information is made available to all PSAAP Group members to enable the members to make informed decisions</li> <li>6. consider other matters where a party has requested an interpretation or clarification of any provision of the PHO Agreement or any Referenced Document.</li> </ol>

<p><b>Reporting Arrangements</b></p>	<p>DHBs will ensure that minutes of all discussions and recommendations of the PSAAP Facilitators Group are formally recorded and agreed.</p> <p>The PSAAP Facilitators Group will routinely report to the PSAAP Group on activity and progress. The PSAAP Facilitators Group will appoint one or more of its members to make such reports.</p> <p>Copies of the PSAAP Facilitators Group’s minutes and papers will be available to PHOs and DHBs on request to the Secretariat.</p>
<p><b>Membership</b></p>	<p>The PSAAP Facilitators Group will consist of:</p> <ul style="list-style-type: none"> <li>• the Chair of the PSAAP Group</li> <li>• 1 representative from each PHO caucus group, including a representative for the PHOs referred to as the “non-aligned PHOs”.</li> <li>• 2 DHB representatives</li> <li>• 1 Ministry of Health representative</li> </ul>
<p><b>Quorum</b></p>	<p>A quorum consists of:</p> <ul style="list-style-type: none"> <li>○ the Chair or person elected to act as chair for the meeting (see Officers below) ,</li> <li>○ a Ministry of Health representative,</li> <li>○ one DHB representative and</li> <li>○ a minimum of one representative from each of at least three PHO caucuses.</li> </ul> <p>Alternates or proxies (appointed by prior notice to the Chair) acting on behalf of representatives may also be included in the numbers required to make up a quorum.</p>

<b>Meetings</b>	Meetings will be called as required by the PSAAP Chair. Where possible a minimum of five working days notice will be given.
<b>Other Attendees</b>	<p>Other attendees can participate in meetings at the Chair's discretion. Other attendees have no decision-making capacity at the meeting.</p> <p>The Chair will advise the PSAAP Facilitators Group where and why he/she has declined participation.</p>
<b>Officers</b>	<p><b><i>Chairperson</i></b></p> <p>The Chair of the PSAAP Group shall be the chairperson for the PSAAP Facilitators Group.</p> <p>If the Chair is unavailable the meeting will elect a replacement chairperson for that meeting.</p>
<b>Administrative Support</b>	DHBs will appoint its agent, DHBNZ, to provide secretariat support for the PSAAP Facilitators Group.
<b>Code of Conduct</b>	<p>The PSAAP Facilitators Group can meet face to face or via teleconference facilities or a combination thereof.</p> <p>The PSAAP Facilitators Group shall endeavour to operate on the basis of consensus decision-making. If the PSAAP Facilitators Group is unable to reach a consensus decision the matter will be referred to the PHO Agreement Amendment Protocol Group.</p> <p>Normal DHB, Ministry of Health and PHO accountability processes will apply.</p> <p>Where members require further discussion with their constituents/principals before making a decision, the Chair can make arrangements for the meeting to adjourn, call further meetings and/or arrange for confirmation of decisions via email.</p> <p>Where possible, the meeting agenda will be distributed a week in advance to allow members to prepare adequately for the meeting. Papers for discussion or information will be circulated with the agenda.</p>

**Table 2: PSAAP Group – Timeline for submission of papers and pre-meeting consultation**

	<b>Task</b>	<b>Purpose</b>	<b>Timeframe</b>
<b>1</b>	Set meetings		<p>A schedule of meetings is set for the year</p> <ul style="list-style-type: none"> <li>- Two Full PSAAP meetings are held each year (generally in April and October)</li> <li>- Facilitator meetings are held at approximately 6 weekly intervals throughout the year</li> <li>- Twice a year the Facilitator Meetings (Part II) are on the same day as a Full PSAAP meeting (Part I) and this enables PHO representatives to be involved in the Facilitator meeting.</li> </ul> <p>At least 3 months notice is given for a Full PSAAP meeting. (Notice will not normally be an issue as the meeting dates will be set ahead).</p>
<b>2</b>	Full PSAAP meetings	<p>To make decisions on the PHO Service Agreement.</p> <ul style="list-style-type: none"> <li>(a) vary or add a Referenced Document</li> <li>(b) consider proposals for variations to the Standard PHO Agreement.</li> </ul>	<p>Two Full PSAAP meetings are held each year</p> <p><u>Four weeks prior to a Full PSAAP Meeting</u></p> <ul style="list-style-type: none"> <li>- The Final Agenda and agreed final papers are sent out</li> <li>- Members consult with their constituents</li> </ul>
<b>3</b>	Facilitator Meetings	<p>To progress agreed work within PSAAP and consider new issues and proposals relating to the PHO Service Agreement. Following discussion at a Facilitator Meeting tabled papers may be revised in preparation for a decision at a Full PSAAP meeting.</p>	<p>Facilitator meetings are held at approximately 6 weekly intervals throughout the year. Twice a year the Facilitator Meetings (Part II) are on the same day as a Full PSAAP (Part I) Meeting.</p> <p>The provisional agenda for the next Facilitators’ Meeting will be sent out with the minutes of the last meeting.</p> <p><u>1 week prior to the Facilitator Meeting</u></p> <ul style="list-style-type: none"> <li>- The Final Agenda is sent out with the final papers</li> </ul>