



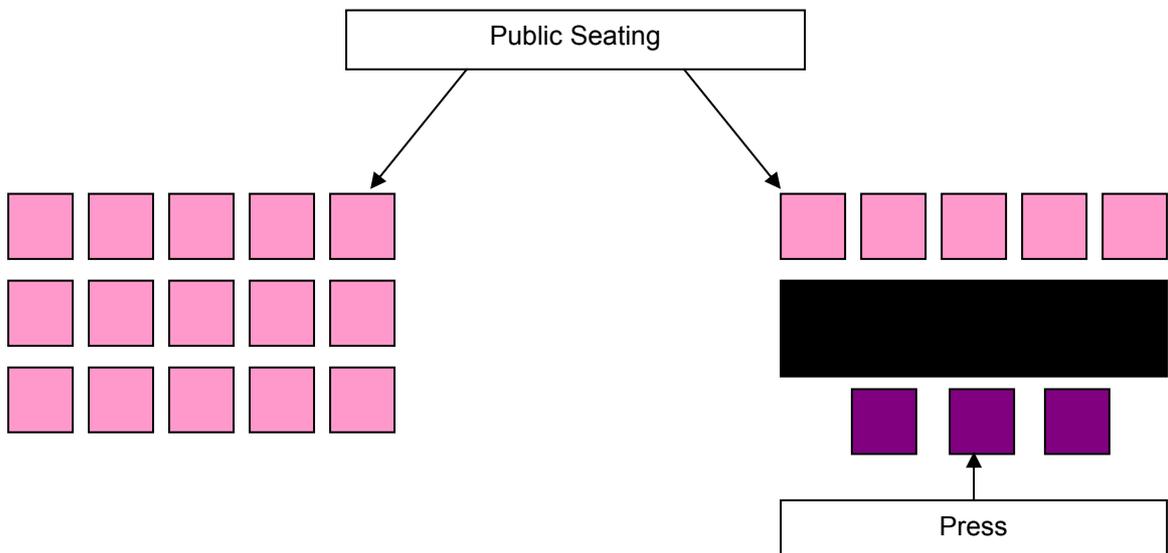
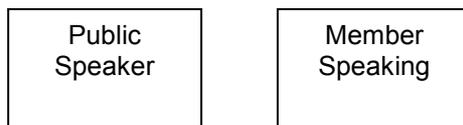
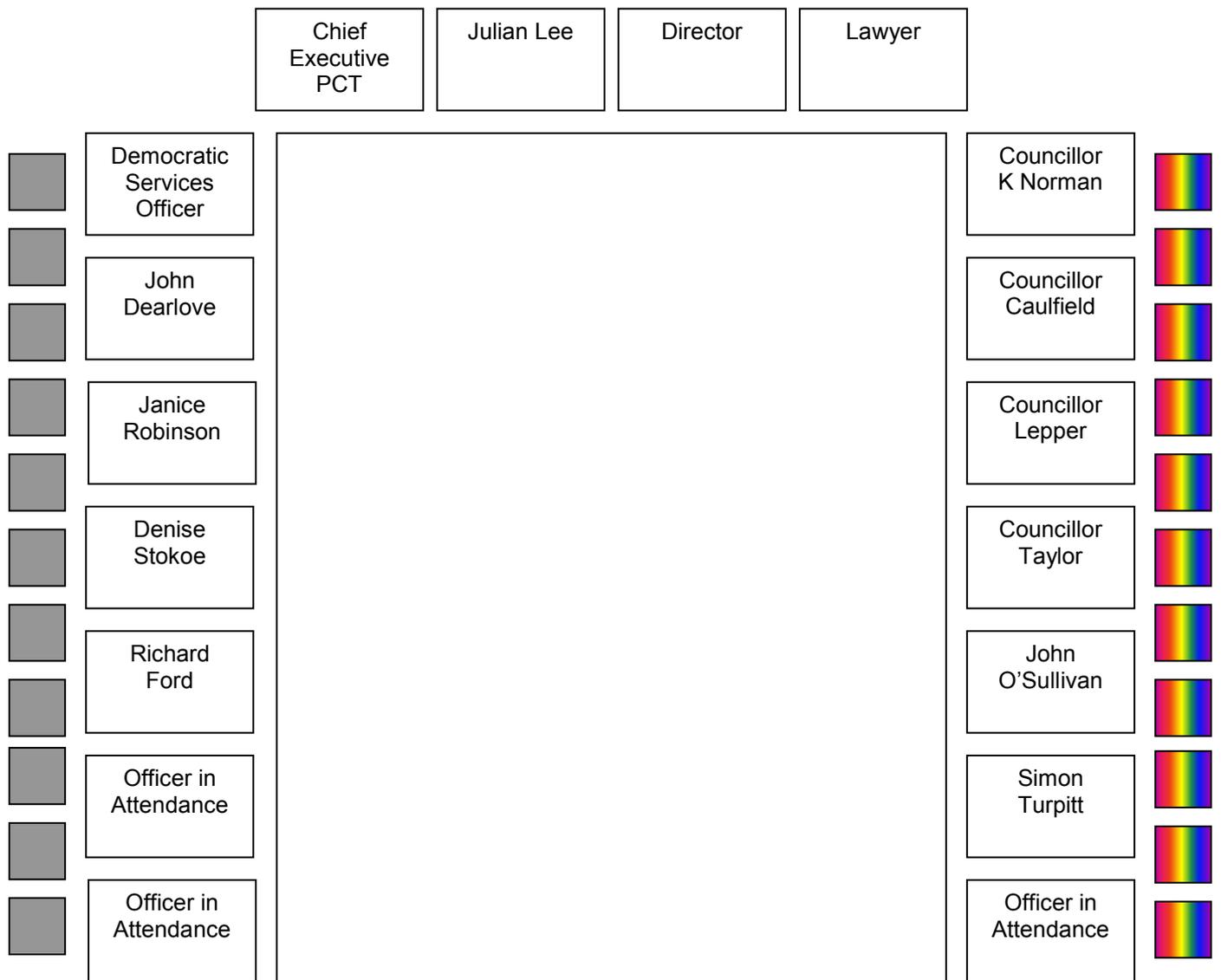
**Brighton & Hove  
City Council**

Brighton and Hove City   
Teaching Primary Care Trust

# Joint Commissioning Board

Title:	<b>Joint Commissioning Board</b>
Date:	<b>16 June 2008</b>
Time:	<b>5.30pm</b>
Venue	<b>Room 1, Hove Town Hall</b>
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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## JOINT COMMISSIONING BOARD

**The following are requested to attend the meeting:**

**Brighton & Hove City NHS Teaching Primary Care Trust Representatives:**

Julian Lee (Chairman), John Dearlove, Janice Robinson and Denise Stokoe

**Council Representatives:**

Councillor Maria Caulfield (Cabinet Member For Housing) and Councillor Ken Norman (Cabinet Member for Adult Social Care & Health)

**Co-opted Members:**

Councillor Jeane Lepper, Brighton & Hove City Council  
Councillor Keith Taylor, Brighton & Hove City Council  
Richard Ford, Sussex Partnership Trust  
Simon Turpitt, South Downs Health NHS Trust  
John O'Sullivan, South Downs Health NHS Trust

AGENDA

**1. PROCEDURAL BUSINESS**

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**2. TERMS OF REFERENCE - PURPOSE OF THE JOINT COMMISSIONING BOARD**

**1 - 2**

Report of Director of Strategy & Governance (copy attached).

Contact Officer: Caroline De Marco Tel: 29-1063

Ward Affected: All Wards

**3. MINUTES OF THE PREVIOUS MEETING**

**3 - 8**

Minutes of the meeting held on 3 March 2008 (copy attached).

**4. CHAIRMAN'S COMMUNICATIONS**

**5. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on Monday 9 June 2008.)

No public questions received by date of publication.

**6. FINANCIAL PERFORMANCE REPORT - PROVISIONAL OUTTURN 2007/08 9 - 14**

Report of the Director of Finance (PCT) (Copy attached).

Contact Officer: Jonathan Reid Tel: 545314

Ward Affected: All Wards

**7. PURPOSE OF THE JOINT COMMISSIONING BOARD**

Presentation and discussion.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Caroline De Marco, (01273 291063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 6 June 2008



# JOINT COMMISSIONING BOARD

## Agenda Item 2

Brighton & Hove City Council  
Brighton & Hove City Teaching  
NHS Primary Care Trust

<b>Subject:</b>	<b>Terms of Reference</b>		
<b>Date of Meeting:</b>	<b>16 June 2008</b>		
<b>Report of:</b>	<b>Director of Strategy and Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Caroline De Marco</b>	<b>Tel: 29-1063</b>
	<b>E-mail:</b>	Caroline.demarco@brighton-hove.gov.uk	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE:

#### 1. SUMMARY:

1.1 This report is to inform Members of the delegations to the Joint Commissioning Board.

#### 2. RECOMMENDATIONS:

(1) To Note the Terms of Reference for the Joint Commissioning Board.

## The Joint Commissioning Board

### Explanatory Note

The Joint Commissioning Board oversees a partnership between the Council and the health bodies which are responsible for commissioning, providing and overseeing a number of adult health and social care services. The partnership is governed by an Agreement between the Council and Brighton & Hove Primary Care Trust under Section 75 of the National Health Service Act 2006, covering the delegation of functions and pooling of budgets for services.

The Joint Commissioning Board is the top decision making body for the partnership, with delegated powers to make decisions concerning the commissioning and provision of services on behalf of the parties to the Section 75 Agreement. It is also the senior forum for the discussion of policy and strategy across the partnership as a whole, and is thus responsible for setting the strategic direction for these services

The functions discharged under the Section 75 arrangements are executive functions.. All the decision-making powers of the Council will

therefore be exercised by the Cabinet Member for Adult Social Care & Health (or the Cabinet Member for Housing in relation to Learning Disabilities). Other Members of the Council appointed by the Executive may attend the meeting of the Board and speak but not vote.

### **Delegated Functions**

To exercise the Council's functions under or in connection with the adult social care and health services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006, in the manner and to the extent that the arrangements permit the Joint Commissioning Board to exercise the functions.

[Note – fuller details of the governance arrangements relating to the adult social care and health partnership overseen by the Joint Commissioning Board are set out in the Section 75 Agreement.]

## Agenda Item 3

### BRIGHTON & HOVE CITY COUNCIL

#### JOINT COMMISSIONING BOARD

5.00PM MONDAY 3 MARCH 2008

#### COMMITTEE ROOM 3 – BRIGHTON TOWN HALL

#### MINUTES

Present: Brighton & Hove City Primary Care Trust representatives:

Julian Lee (Vice-Chairman), John Dearlove, Janice Robinson,

Council representatives:

Councillor K Norman (Chairman); Councillors Meadows, A Norman,  
Taylor

Co-opted Members:

Richard Ford, Sussex Partnership Trust

Quintin Barry and John O'Sullivan, South Downs Health NHS Trust.

#### PART ONE

#### ACTION

#### 37. PROCEDURAL BUSINESS

#### 37A Declarations of Substitutes

37.1 There were no declarations of substitutes.

#### 37B Declarations of Interest

37.2 There were none.

#### 37C Exclusion of Press and Public

37.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of

confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

- 37.4 **RESOLVED** - That the press and public be not excluded from the meeting.

### **38 MINUTES**

- 38.1 **RESOLVED** – That the minutes of the meeting held on 10 December 2007 be approved and signed by the Chairman.

### **39 CHAIRMAN'S COMMUNICATIONS**

- 39.1 Chairman introduced Joy Hollister (newly appointed Director of Adult Social Care & Housing) to the meeting.
- 39.2 Chairman noted that Quintin Barry was retiring from South Downs Health, he thanked Quintin for his contributions to the Board.
- 39.3 Chairman noted that this would be the final JCB under the current arrangements. In debate with Councillors Meadows and Taylor and replying to queries from the PCT; Chairman explained that Council would be determining the new Executive Arrangements in due course. However he expected that the openness, transparency and political fairness operated in the current system would continue.

### **40 PUBLIC QUESTIONS**

- 40.1 There were no public questions.

### **41 FINANCIAL PERFORMANCE REPORT**

- 41.1 The Board considered a joint report of the PCT Director of Finance, Brighton and Hove Primary Care Trust and Director of Finance & Resources, Brighton & Hove City Council that presented financial information and forecast outturn for 2007/08 by provider as at Month (for copy see minute book).
- 41.2 The Board noted that the financial recovery plan for Learning Disability Services was projecting achieved savings of £1.4m although these were currently unachieved estimates of £220k. This was predicted to fall to approximately 45K. The major savings had already been made without significant impact or loss of service. The remaining budgetary concerns were recognised and were being addressed.
- 41.3 The Board noted that a long-term recovery plan had been developed and would be included in the three-year strategy.

**Anne  
Silley**

The Head of Financial Services (Environment and City) offered to report to the next meeting on the unachieved / unrealised savings from the Learning Disability budget.

41.4 Chief Executive (South Downs Health NHS Trust) offered to make available information in relation to the underspend on HIV/AIDS.

**John  
O'Sullivan**

41.5 The Board noted that it was a welcome, yet uncommon experience to be able to note a balanced budget. It was hoped that this success would be sustained and that balanced budgets could be set in future.

41.4 **RESOLVED** – (1) That the forecast break-even outturn for the pooled budgets for the 2007/08 financial year be noted.

(2) That the forecast outturn variance for a break-even position as at Month 9 on Asylum Seeker accommodation (currently outside of the partnership risk sharing provisions) would fall to the Council to fund.

(3) That progress on setting the budgets for 2008/2009, ensuring baseline contributions for the pooled budgets reflect the outcomes of the ongoing work on activity-based costing at Sussex Partnership Trust.

## **42 PERFORMANCE/STAR RATING**

42.1 The Board considered a joint report of the Interim Director of Adult Social Services and Director of Community Care which advised on the outcomes emerging from Commission for Social Care Inspections (CSCI) review of performance in Adult Social Care for the year 2006 – 07 (for copy see minute book).

42.2 The Board welcomed the sustained star rating and noted the positive reflection on strong partnership working.

42.4 **RESOLVED** - That the outcomes of the recent publication by the Commission for Social Care Inspection (CSCI) of the Star Ratings for Councils in relation to social services, the related performance indicators (PAF) and the Record of Performance Assessment received from CSCI, be noted.

## **43 FAIRER CONTRACTING**

43.1 The Board considered a joint report of Interim Director of Adult Social Services and Director of Community Care and Lead Commissioner for Older People PCT which provided a précis of the Project Initiation Document on Fairer Contracting Care Homes for Older People and Older People with Mental Health

Needs to the Joint Commissioning Board (for copy see minute book).

- 43.2 The Service Improvement Manager for Commissioning confirmed that the overall aim of the initiative was to drive up quality by fairer contracting processes that include incentives to care homes that perform well. The timing was right for such an initiative as the market was developing, and there was significant new provision planned across the city.
- 43.3 The Board noted that although demographics appeared to indicate that the 65+ population was in decline, the services provided were generally for the 85+ age range, whose profile was increasing.
- 43.4 Councillor Taylor asked if the contract management challenged on issues of sustainability. Chairman noted that, built into the councils planning regime were requirements for buildings to be as sustainable as possible.
- 43.5 Sussex Partnership Trust welcomed the process, noting the opportunities it afforded to examine quality of services as well as cost.
- 43.5 **RESOLVED** – That Brighton & Hove City Council and the Brighton & Hove Primary Care Trust are authorised to undertake joint work to produce an Options paper to a future Joint Commissioning Board meeting.

#### **44 INDEPENDENT SECTOR CARE HOME AND DOMICILIARY FEE INCREASES 2008/09**

- 44.1 The Board considered a joint report of the Interim Director of Adult Social Services and Director of Community Care that detailed the proposed fee increases for the some independent sector provision providing services on behalf of Brighton & Hove City Council: namely; Care homes within the City providing services for older people and older people with mental health needs (OPMH), Care homes providing services in placements out of city for older people and OPMH, Care homes providing services for other categories of care where there are no set rates, Domiciliary care agencies providing services for all categories of care and Direct Payments rates, which enable people to purchase their services direct, usually by employing personal assistants (for copy see minute book).
- 44.2 **RESOLVED** – (1) That the fee increases detailed within sections 4.1 to 4.10 of the report be noted.

(2) To note that the 3% fee increases, where applicable, include 0.5% uplift in view of the new Working Time (Amendment) Regulations 2007.

(3) That the simplification of the current matrix of Direct Payments Rates into one averaged hourly rate (enhanced for weekends) and the increase of this rate above inflation, be noted.

(4) That the above inflation increase for Direct Payments sleep-in rates with regard to the new national minimum wage requirements be noted.

The meeting concluded at 5.55pm

Signed

Chairman

Dated this

day of

2008



# JOINT COMMISSIONING BOARD

## Agenda Item 6

Brighton and Hove City NHS  
Teaching Primary Care Trust  
Brighton & Hove City Council

<b>Subject:</b>	<b>Financial Performance Report – Provisional Outturn 2007/08</b>		
<b>Date of Meeting:</b>	<b>16 June 2008</b>		
<b>Report of:</b>	<b>Director of Finance (PCT)</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jonathan Reid</b>	<b>Tel: 545314</b>
	<b>E-mail:</b>	<a href="mailto:jonathan.reid@bhcpct.nhs.uk">jonathan.reid@bhcpct.nhs.uk</a>	
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1 SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to present the financial position and provisional outturn for 2007/08 of the pooled budgets managed within the Section 75 Partnership arrangements. The position is analysed by service provider. The financial statements of the partnership are currently being reviewed by the Audit Commission.

#### 2 RECOMMENDATIONS:

- (1) That the JCB approve the carry-forward of underspending on Older People Mental Health Services to support the development of a new service in 2008/09;
- (2) That the JCB note the council's additional, non-recurrent contribution of £227,000 to meet net overspending on the Integrated Community Equipment Store service (£199,000) and the Learning Disability Service (£28,000);
- (3) That the JCB note the additional contribution of £419,000 from Sussex Partnership Trust to meet in-year service pressures across services.
- (4) That the JCB note the forecast break-even outturn for the pooled budgets for the 2007/08 financial year, incorporating the proposed additional contributions over and above the in-year additional contributions from the Primary Care Trust and the proposed carry-forward. The final statement is subject to audit.

#### 3 PROVISIONAL OUTTURN 2007/08

- 3.1 The table below shows the provisional outturn variances from budget as at the end of 2007/08. The table shows that the S75 partnership services are forecasting breakeven at the year-end after adjusting for the proposed carry forward and additional contributions.

- 3.2 The PCT and council previously agreed to provide significant additional support to the Integrated Community Equipment Service, both in-year for 2007/08 and on a recurrent basis moving into next year, to recognise the financial challenges faced by this service. South Downs Health had anticipated that remaining financial pressures could be managed in 2007/08 but this was reliant on continued underspending on other services and actions to contain expenditure elsewhere. These services experienced increased expenditure over the remainder of the year and together with continuing high demand in the ICES services, there was an overspend of £202,000 forecast for 2007/08. The council's financial position at year-end is better than expected and members have agreed to provide an additional contribution to the pooled budget to meet the projected net overspend, subject to improved controls in 2008/09. The services provided by South Downs Health NHS Trust therefore show as break-even in this report. In 2008/09 the PCT and council will provide recurrent funding of £400,000 and £80,000 respectively for the different elements of the ICES service and will be working closely over the coming year to strengthen the financial management framework for this service.
- 3.3 The council has continued to work hard to achieve the targets in the Learning Disabilities savings plan and although significant risks were present within the recovery plan, an outturn overspend of only £28,000 (0.1% variance) has been achieved. This results from a combination of a significant achievement of £1.362m against the recovery plan of £2.200m together with other cost containment measures, and additional contributions from the Primary Care Trust. The council has agreed to provide an additional contribution to the partnership to mitigate the small overspend. The outturn position therefore shows as break-even in the table below.
- 3.4 As previously reported, Older People Mental health services are forecasting an underspend of £1.162 million at the year-end. This is primarily due to the delayed start-up and implementation of the Dementia at Home Service, for which provision had been made, and the underspend is therefore on community care budgets. The council has agreed to carry forward the net carry forward of £799,000 to support the implementation of the new service in 2008/09 subject to JCB approval.

**Annual Budget 2007/08**

Services:	Services Provided by:				Total
	South Downs Health Trust	Sussex Partnership Trust	Brighton & Hove City Council	PCT (Other Contract Services)	
	£'000	£'000	£'000	£'000	£'000
Adult Mental Health Services		28,152			28,152
Older People Mental Health Services		12,815			12,815
Substance Misuse Services		2,159			2,159
Learning Disability Services			28,813		28,813
HIV/AIDS	726	338			1,064
Intermediate Care Service	3,337			316	3,653
Integrated Community Equipment Store	783				783
<b>Total Pooled Budget</b>	<b>4,846</b>	<b>43,464</b>	<b>28,813</b>	<b>316</b>	<b>77,439</b>

**2007-08 Forecast Year-end Variance**

Services:	Services provided by:				Forecast Variance
	South Downs Health Trust	Sussex Partnership Trust	Brighton & Hove City Council	PCT (Other Contract Services)	
	£'000	£'000	£'000	£'000	£'000
Adult Mental Health Services		123			123
Older People Mental Health Services		125			125
Substance Misuse Services		171			171
Learning Disability Services			28		28
HIV/AIDS	(35)				(35)
Intermediate Care Service	32			0	32
Integrated Community Equipment Store	202				202
<b>(Under)/ Overspend</b>	<b>199</b>	<b>419</b>	<b>28</b>	<b>0</b>	<b>646</b>
<b>Less Additional Contributions</b>	<b>(199)</b>	<b>(419)</b>	<b>(28)</b>	<b>0</b>	<b>(646)</b>
<b>Provisional Outturn 2007/08</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## **4 CONSULTATION**

4.1 This report has been completed in consultation with:

Michael Schofield, Director of Finance, Brighton and Hove City PCT

Nigel Manvell, Assistant Director Financial Services, City Council

Farida Amin, Solicitor for Social and Education Services, City Council

## **5 FINANCIAL & OTHER IMPLICATIONS:**

### *Financial Implications:*

5.1 Included in the body of the report.

### *Legal Implications:*

The report asks the Board to approve spend in order to assist the implementation of the Dementia at Home Service. By carrying over the underspend on Older People's Mental Health to help implement that service the Council and its Partners must ensure that this commitment is not made at the expense of existing services which currently enable the Council to meet its statutory duties. The Council and its Partners have an ongoing obligation to ensure that our statutory duties can be fulfilled

Provided the Council can continue to meet its obligations toward access and opportunities to services including Older People's Mental Health Services there are no specific Human Rights Act or other legal implications which arise from this report

### *Equalities Implications:*

5.2 There are no direct equalities implications arising from this report, although reductions in expenditure or service levels may reduce opportunities or access to services and employment for communities of interest.

### *Sustainability Implications:*

5.3 There are no direct sustainability implications arising from this report. However, it is believed that the reputation of the council's financial control framework and its ability to demonstrate sound budgetary control could have an impact on the willingness of other funding partners to invest in and with the council. This could affect the level of inward investment in respect of projects that contribute towards sustainability.

### *Crime & Disorder Implications:*

5.4 There are no direct prevention of crime and disorder implications arising from this report, although reductions in expenditure or service levels may impact on these issues.

### *Risk and Opportunity Management Implications:*

5.5 A risk assessment is undertaken in relation to the management of individual budgets.

### *Corporate / Citywide Implications:*

5.6 The Partnership's financial position can impact on levels of council tax and service levels and therefore has citywide implications.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents In Members' Rooms**

None

### **Background Documents**

- (1) Financial reports and statements used to produce this report are held by the various partners.

