

<b>Subject:</b>	<b>Adults Section 75 Review</b>		
<b>Date of Meeting:</b>	<b>Joint Commissioning Board – 28/01/13 Adult Social Care and Health Committee – 18/03/13 Policy and Resources – 21/03/13</b>		
<b>Report of:</b>	<b>Denise D'Souza – Director of Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Geraldine Hoban – Chief Operating Officer, CCG</b>	<b>Tel: 01273 574 863</b>
	<b>Email:</b>	<b>Geraldine.Hoban@nhs.net</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This paper outlines revisions to the Adults Section 75 Agreement between the Council and the Clinical Commissioning Group which will come into effect on 1<sup>st</sup> April 2013.

#### 2. RECOMMENDATIONS:

- 2.1 The Committee is asked to note the revisions to the Section 75 Agreement and review the draft documentation.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### 3.1 Background

- 3.1.1 The CCG and Council are committed to maintaining both formal joint commissioning agreements, namely the Section 75 for Children's Services and the Section 75 for Adults' Services.
- 3.1.2 In preparation for the CCG becoming the accountable body for commissioning healthcare in the City on 1<sup>st</sup> April 2013, both agreements need to be updated to reflect the new commissioning landscape.
- 3.1.3 The Council is leading on the review of the Children's Section 75 and the CCG is updating the documentation for Adult Section 75 Agreement.
- 3.1.4 A working group comprising the Chief Operating Officer from the CCG, Director of Adult Social Care from the Council and various joint commissioning leads have reviewed and updated the document. Templates supplied by DAC Beachcroft (lawyers supporting a number of CCGs nationally in updating formal joint commissioning agreements) have been used as the basis for the revised Agreement.

- 3.1.5 Service areas and associated financial resources have been reviewed to ensure they are up to date but otherwise the vast majority of the ways of working and governance around the formal agreement remains the same.
- 3.1.6 All significant elements of the revised Agreement are summarised below and a full version of the draft document is attached as an appendix.

### 3.2 Duration of the Agreement

- 3.2.1 The revised agreement is for a three year period commencing 1<sup>st</sup> April 2013. The agreement can be amended, terminated or extended in accordance with clauses set out in the documentation.

### 3.3 Jointly Commissioned Service Areas

- 3.3.1 Given changes to commissioning responsibilities and funding flows the service areas to be jointly commissioned required updating as below:

Previous Section 75	New Section 75	Rationale for Change
HIV/AIDS Support Grant Funded Services	Not in	Now solely commissioned by the Council so no longer need for formal joint arrangements
Substance Misuse Services	Not in	Now solely commissioned by the Council so no longer need for formal joint arrangements
Older People's Mental Health Services	Not in	No longer separated as a discrete service area but incorporated into generalist mental health and dementia sections.
Intermediate Care Services	Remains in	
Learning Disability Services	Remains in	
Mental Health	Remains in	
Short Term Services	Remains in	
	Personalisation and Support	Describes areas of joint strategic commissioning and collaboration
	Dementia	
	Carers	Was not previously in S75 but is a significant area of collaborative commissioning and integrated funding.

### 3.4 Commissioning Resource

- 3.4.1 The CCG and Council will maintain the arrangements whereby commissioners will be hosted by the respective lead organisation but work on behalf of both the CCG and Council to commission an integrated service. Each organisation will contribute to the cost of the lead commissioning function as detailed in the Agreement. Posts will be held accountable through clear joint line management arrangements again, clearly set out in the Agreement.

### 3.5 Governance and Accountability

- 3.5.1 The revised Section 75 proposes maintaining the Joint Commissioning Board (JCB) with delegated authority from the Council and CCG for setting the strategic

direction and overseeing the planning, monitoring and review of jointly commissioned service areas.

- 3.5.2 Areas of joint commissioning will be reviewed annually in light of emerging national guidance, the Health and Wellbeing Strategy, Joint Strategic Needs Assessments etc and an annual Joint Commissioning Plan developed for sign off by the JCB.
- 3.5.3 Further discussions are being held about the governance and accountability arrangements for the Children's Section 75.

#### **4. CONSULTATION**

The original Section 75 was consulted on widely. Given this document updates rather than changes anything significantly it was not considered necessary for any further public consultation and engagement.

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

- 5.1 The estimated financial contributions from each party will be specified within the agreement and monitored through the Joint Commissioning Board. The contribution from Adult Social Care for 2013/14 will be contained within the budget proposals. The revised Section 75 maintains the previous funding arrangement whereby respective financial contributions are not pooled, but instead are separately managed and reported on by the lead commissioner on behalf of both organisations.

*Finance Officer Consulted: Anne Silley*

*Date: 17/01/13*

#### **5.2 Legal Implications:**

The rationale and legal changes leading to the requirement to amend the S75 Agreement are set out in the body of this Report. At this stage JCB is asked to note and comment only on the work leading to an amended S75 in April 2013 that is still progressing. There are no specific legal implications other than those referred to in the main body of the Report arising.

*Lawyer Consulted: Sandra O'Brien 15.01.13*

#### **Equalities Implications:**

- 5.3 There are no equality implications arising from this report, as it just states the intention to commissioning collaboratively. Specific service related changes or strategy development would be subject to their own individual EQAs.

#### **Sustainability Implications:**

- 5.4 There are no sustainability implications.

Crime & Disorder Implications:

- 5.5 There are no implications arising out of the redrafted document for crime and disorder.

Risk and Opportunity Management Implications:

- 5.6 Collaborative commissioning arrangements will enable the city to benefit from more integrated and efficient services.

Public Health Implications:

- 5.7 The areas chosen for collaborative commissioning reflect the priorities contained within the Health and Wellbeing Strategy, namely dementia and mental health.

Corporate / Citywide Implications:

- 5.8 This revised agreement reflects the continued commitment to collaboration and partnership working between the CCG and Council.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Given the commitment to maintain collaborative commissioning arrangements, not alternative options were considered.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 In light of changes to commissioning responsibilities and a new commissioning architecture the Adults Section 75 Agreement has been reviewed and updated. Other than revisions reflecting national changes in the commissioning landscape, the vast majority of the agreement and ways of working are unchanged.
- 7.2 The Committee is therefore asked to note the changes to the jointly commissioned service areas and comments on an early draft of the revised documentation.
- 7.3 Following comments from the Committee, the draft Section 75 Document will continue to be worked on and updated and sent to the CCG Lawyers for review. A final version brought back to the Committee Board for formal approval in March.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Draft Adult Section 75 Agreement