

# Appendix 1

## Adult Services: Section 75 (S75) Agreements – additional information

### 1. Introduction

**1.1** In 2002 elements of Brighton & Hove City Council Social Care services and local NHS trust commissioning and provider services were combined under the auspices of Section 31 of the 1999 Health Act (latterly known as Section 75 of the 2006 National Health Service Act).

**1.2** These arrangements cover the pooling of budgets, joint commissioning and integrated service provision, and involve the local authority working in partnership with NHS Brighton & Hove: NHSBH (formerly Brighton & Hove City Teaching Primary Care Trust) in relation to commissioning, and with South Downs Health NHS Trust (SDH) and Sussex Partnership NHS Foundation Trust (SPT) in relation to service provision.

**1.3** These S75 arrangements are a good deal more complex than those for the Children and Young People's Trust in the sense that a single organisation is not designated as the lead commissioner or provider for all services. For some services NHSBH is lead commissioner, for others BHCC, and in some instances the organisations share responsibility for commissioning. Similarly, some services are provided by a single organisation, others by two or more organisations working together, and others via one organisation 'hosting' service provision (i.e. with workers from other organisations seconded to the host). These S75 arrangements are detailed below.

### 2. Details of services

**2.1 Working Age Mental Health.** NHSBH is lead commissioner for this service, commissioning from a pooled PCT/council budget. Services are hosted by SPT (with input from BHCC staff and from third sector organisations).

**2.2 Substance Misuse.** NHSBH is lead commissioner for this service, commissioning from a pooled PCT/council budget. Services are provided by SPT and by the third sector.

**2.3 Learning Disability.** BHCC is lead commissioner, commissioning from a pooled PCT/BHCC budget. Services are hosted by BHCC (with some services provided by SPT staff).

**2.4 HIV/Aids.** NHSBH is lead commissioner for this service, commissioning from a pooled PCT/council budget. Services are hosted by BHCC (with some services provided by SPT staff).

- 2.5 Older People's Services/ Older People's Mental Health.** NHSBH is lead commissioner for this service, but PCT/BHCC budgets are not pooled. Services are jointly provided by BHCC and SPT, but neither organisation hosts all provision
- 2.6 Physical Disabilities.** NHSBH and BHCC commission services jointly, but without pooled budgets. Services are jointly provided by SDH and BHCC, but neither organisation hosts services.
- 2.7 Integrated Community Equipment Store (ICES).** This service is jointly commissioned by NHSBH and BHCC and is provided by SDH.
- 3. Other partnership arrangements**
- 3.1** In addition to the S75 agreements detailed above, the council and NHSBH also engage in less formal joint working, particularly in relation to the implementation of Deprivation Of Liberty Safeguards (DOLS) and to co-ordinating support for Carers.
- 4. Management of S75 arrangements**
- 4.1** These S75 agreements are overseen by the Joint Commissioning Board (JCB) which includes members from all the partner organisations. Decisions which do not involve all partners (e.g. commissioning decisions) are determined only by those bodies directly involved.
- 4.2** Where there is pooling of budgets, there will be specific agreements in place to address potential overspends and underspends. (In general, partners are responsible for overspends in ratio to their commitments to a particular pooled budget. Thus, if the council was responsible for 60% of a particular budget, it would typically be liable for 60% of any overspend. Similar arrangements exist for any underspending.) Where budgets are not pooled, the relevant partners will generally themselves be liable for any overspends in their budgets.
- 4.3** S75 agreements are intended to be used only for 'health related' services and only in instances where there is shared or overlapping local authority and NHS trust responsibility for commissioning and/or providing these services. S75 does not apply to any other services.