

Appendix 2

Children's Services: Section 75 (S75) Agreements – additional information

1. Introduction

- 1.1 In 2006 elements of Brighton & Hove City Council Children's services and local NHS trust commissioning and provider services were combined under the auspices of S75 (then Section 31 of the 1999 Health Act). This allowed for the creation of the Children and Young People's Trust (CYPT).
- 1.2 The CYPT structure includes S75 agreements relating to the pooling of budgets, joint commissioning and integrated service provision.
- 1.3 S75 agreements involve the council working in partnership with NHS Brighton & Hove: NHSBH (formerly Brighton & Hove City Teaching PCT) in relation to commissioning, and with South Downs Health NHS Trust (SDH) in relation to service provision.
- 1.4 Under the CYPT arrangements, the council takes the lead or is the host for *all* shared and integrated services. Thus, the council is lead commissioner for jointly commissioned services and hosts seconded NHS trust workers in its provider services.
- 1.5 The S75 agreements are overseen by the CYPT board which includes members from all the partner organisations. Decisions which do not involve all of the partners are taken only by those partners actively involved (e.g. commissioning decisions are taken by the council and NHSBH, but not by SDH).
- 1.6 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.

2. Details of S75 arrangements

2.1 The children's and young people's services covered by S75 agreements are:

A Health Services

- Developmental Child Health
- Community Paediatrics
- Social Child Health
- Speech and Language Therapy
- School Nursing
- Health Visiting
- Audiology
- Child Records/Registrar

B Local Authority Services

- Fostering and Adoption
- Child Placements
- SEN and Pupil Support
- Clermont
- School Admissions and Transport
- School Capital Programme
- Youth and Connexions
- Children's Social Care
- Education Welfare
- Education Psychology
- Community Mental Health
- Learning Support
- Early Years and Childcare
- Play
- Youth Offending
- R U OK
- Healthy Schools
- Teenage Pregnancy and Substance Misuse
- Schools Advisory Service
- Adult Schools and Learning
- Workforce Development
- Music and Arts

2.2 S75 arrangements are *only* intended for health related services and *only* in instances where there is shared local authority and NHS trust responsibility for commissioning and/or provision. Therefore, S75 does not apply to non-health related local authority children's services, such as most educational commitments. Neither does it apply to children's health services (such as the bulk of acute/hospital services, emergency ambulance transport etc.) where there is no direct local authority interest.

