

Subject:	Adults Section 75 Review		
Date of Meeting:	Adult Social Care and Health Committee – 18/03/13 Joint Commissioning Board – 25/03/13		
Report of:	Denise D’Souza – Director of Adult Social Care		
Contact Officer:	Name:	Geraldine Hoban – Chief Operating Officer, CCG	Tel: 01273 574 863
	Email:	Geraldine.Hoban@nhs.net	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Due to changes in law introduced by the Health and Social Care Act 2012 the PCT will cease to exist as a lawful body on 31st March 2013. From April 1st, the CCG will become the accountable body for commissioning the majority of healthcare provision in the City. Joint commissioning agreements with the Council therefore need to be revised in order to reflect the new commissioning landscape and changes to legal responsibility for Public Health functions that transfer solely to the Council. This paper outlines revisions to the Adults Section 75 Agreement between the Council and the Clinical Commissioning Group which need to come into effect on 1st April 2013 in order to reflect the changes in law..
- 1.2 This paper also outlines proposals for arrangements for the streamlining of future meetings of the Joint Commissioning Board and this Committee.

2. RECOMMENDATIONS:

- 2.1 Committee is asked to:
- (i) Note the requirement to revise the Section 75 Agreement to reflect changes in the law
 - (ii) Agree the revisions to the Section 75 Agreement in order to comply with the changes in the law
 - (iii) Note the proposals for amendments to the arrangements for future meetings of the Joint Commissioning Board

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 1st 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. The resulting draft Agreement has been fully considered and commented on by the Council's legal team.
- 3.1.5 Service areas and associated will be reviewed to ensure they are up to date and 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 In accordance with past and current practice the revised agreement is for a three year period commencing 1st 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 – Removed from New Version	Rationale for Change
HIV/AIDS Support Grant Funded Services	Now solely commissioned by the Council so no longer need for formal joint arrangements
Substance Misuse Services	Now solely commissioned by the Council so no longer need for formal joint arrangements
Learning Disability	Now solely commissioned by the Council so no longer need for formal arrangements
Older People's Mental Health Services	No longer separated as a discrete service area but incorporated into generalist mental health and dementia sections.
Previous Section 75 – Remains in New Version	
Integrated Community Equipment – see schedule 5 section 1.1	
Mental Health – schedule 5 section 1.5	
Short Term Services – see schedule 5 section 1.7	
New Section 75 – Not in Previous Version	
Personalisation and Support – see schedule 5 section 1.3	Describes areas of current and potential joint strategic commissioning and collaboration
Dementia – see schedule 5 section 1.6	Was previously incorporated within older peoples mental health services
Carers – see schedule 5 section 1.2	Was not previously formally a part of S75 but as a significant area of collaborative commissioning and integrated funding was

	dealt with as such. Inclusion formalises the arrangement.
--	---

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 Finance and Service Schedules

3.5.1 Detailed financial contributions by service area are not included in the revised documentation. These are being updated and will be attached as annual updated schedules to the document.

3.6 Governance and Accountability

3.6.1 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.

3.6.2 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.

3.6.3 Full Council is to consider proposed changes to the Constitution at its meeting 28 March 2013. This will include streamlined arrangements for meetings of the Joint Commissioning Board, which is responsible for agreeing and monitoring joint commissioning plans and this Committee, which is the representative authority on behalf of the Council at JCB. The purpose is to avoid duplication of reporting and time spent by members of the CCG, this Committee and JCB considering the same proposals and issues but in different forums. It is therefore proposed that the meetings of JCB will be convened to take place immediately before this Committee. The CCG have agreed to this proposal.

3.6.4 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. Additionally, the agreement describes a process for commissioning, should there be any changes to commissioned services proposed, they will subject to their own specific consultation processes

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. Committee will note that the revised Agreement has been drafted with the benefit of specialist legal advice but the principal amendments reflect the changes in law rather than the purpose or nature of the Agreement. Committee will also note the proposals to streamline decision making forums by convening JCB and Committee so that one follows the other thus increasing efficiency and better use of member and officer time and resource.

There are no specific legal implications other than those referred to in the main body of the Report arising.

Lawyer Consulted: Sandra O'Brien 07.03.2013

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 Joint Commissioning Board for formal approval in March.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Adult Section 75 Agreement

