

URGENT DECISIONS

Thursday, 31st March, 2022, 10.00 am

Members: Councillor Lucia das Neves – Cabinet Member for Health, Social Care, and Well-Being

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. SECTION 75 NHS ACT 2006 HEALTH AND SOCIAL CARE LEAD COMMISSIONING AND POOLED FUNDS PARTNERSHIP AGREEMENT BETWEEN THE COUNCIL AND NCL CCG (PAGES 1 - 116)

The Chair of Overview and Scrutiny has agreed that the decision is both reasonable in all the circumstances and that it should be treated as a matter of urgency. The s. 75 Partnership Agreement expired on 1 March 2022 and provides a framework for lead commissioning, pooled budgets and integrated services as set out within the scope of the National Health Services Act 2006. It is imperative for this Agreement to be extended for a further term and the Agreement provides for this. There are several joint arrangements between the Council and the CCG that are currently in place across Haringey, detailed in a series of Schedules to this overarching Agreement, to best meet the needs of local residents with specific additional health and care needs.

These Schedules require the overarching Partnership Agreement to be in place in order to enable them to continue. As noted above, the Agreement expired on 1 March 2022 and it is imperative it is extended. With the changes to the health and care landscape set out in the Health and Care Bill currently going through Parliament, it was anticipated that the requirements for the s. 75 Partnership Agreement would differ and therefore an extension might not be required in its current form. This has turned out not to be the case, hence the urgency in requesting this extension be approved.

Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution. As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).

Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as there is a need to continue with the current health and social care partnership arrangement between the Council and the CCG. This decision is considered to be urgent as extension of the agreement would enable the Council and CCG to continue with the existing commissioning and service provision arrangements and for the benefit of local residents. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.

4. SECTION 75 NHS ACT 2006 HEALTH AND SOCIAL CARE HARINGEY LEARNING DISABILITY PARTNERSHIP AGREEMENT (PAGES 117 - 192)

The Chair of Overview and Scrutiny has agreed that the decision is both reasonable in all the circumstances and that it should be treated as a matter of urgency. The s. 75 Haringey Learning Disability Partnership Agreement provides a framework for an integrated service for adults with learning disabilities in Haringey as set out within the scope of the National Health Services Act 2006. The existing s. 75 agreement which governs the integrated service has expired. In order to ensure that the contractual framework is in place to enable both the partners' continued funding for and the Council's continued management of the integrated service, it is necessary to renew the agreement urgently and by 1 April 2022. Without the contractual framework which enables funding transfers between the NHS and the Council, payments from partners will be at risk. Likewise, the Council's ability to manage the integrated service as a single entity across the partnership will be constrained.

With the changes to the health and care landscape set out in the Health and Care Bill currently going through Parliament, it was anticipated that the

requirements for the s. 75 Partnership Agreement would change and that therefore an extension might not be required in its current form. This has turned out not to be the case, hence the urgency in requesting this extension be approved. Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution. As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).

Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as the s. 75 Haringey Learning Disability Partnership Agreement, which provides a framework for an integrated service for adults with learning disabilities in Haringey has expired. This decision is considered to be urgent as approval to enter into and continue the partnership agreement would enable the Council, the Barnet, Enfield and Haringey Mental Health Services Trust, Whittington Health Services NHS Trust, and the North Central London Clinical Commissioning Group to continue to provide the integrated service arrangement and meet their respective obligations, in particular, relating to payments and funding. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.

5. SECTION 75 NHS ACT 2006 HEALTH AND SOCIAL CARE COVID-19 HOSPITAL DISCHARGE PARTNERSHIP AGREEMENT (PAGES 193 - 220)

The Chair of Overview and Scrutiny has agreed that the decision is both reasonable in all the circumstances and that it should be treated as a matter of urgency. Partners are keen to vary the s. 75 Hospital Discharge Partnership Agreement to ensure that additional funding very recently made available in light of the Covid-19 pandemic can be used most effectively to respond to local need and support the longer-term sustainability of health and social care.

The proposal for a variation to enable additional funding to be safeguarded for local residents has recently come forward and partners have had to act at pace to ensure that Councils can agree to accept the additional funding as indicated. Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution. As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).

Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as the variation of the 75 Hospital Discharge Partnership Agreement would ensure that additional funding very recently made available in light of the Covid-19 pandemic can be used most effectively to respond to local need and support the longer-term sustainability of health and social care. This decision is considered to be urgent as the Council needs to accept the additional funding as soon as possible to enable additional funding to be safeguarded for local residents. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.

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Wednesday, 30 March 2022