

**Report for:** Councillor das Neves, Cabinet Member for Health, Social Care, and Wellbeing

**Title:** Entering into a Section 256 Agreement for Social Care Projects and a Section 76 Agreement for Welbourne Health Centre

**Report authorised by:** Beverly Tarka Director of Adults, Health & Communities

**Lead Officer:** Sara Sutton, Assistant Director Place Based Commissioning and Partnerships

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key

## **1. Describe the issue under consideration**

- 1.1. The NHS North Central London ICB intends to make a grant of £3.152m to the council to support a range of social care projects using its powers under S256 of the NHS Act 2006. As the grant is over £0.5m a Cabinet or Cabinet Member decision is required to accept the grant.
- 1.2. Within the Cabinet's 2023/24 budget proposals being considered by Council on the 2<sup>nd</sup> March 2023 there is a scheme to contribute to the Welbourne Health Centre project. This contribution will be made through a S76 agreement under the NHS Act 2006.
- 1.3. Delegations are required to officers to enter into both agreements as attached to this report.

## **2. Recommendations**

It is recommended that pursuant to Contract Standing Order 9.07 and Contract Standing Order 16.02 the Cabinet Member for Health, Social Care, and Wellbeing, after consultation with, the Cabinet Member for Finance and Local Investment:

- 2.1. Agrees to accept the grant of £3.152m from the NHS North Central London ICB; and
- 2.2. Delegates authority to the Director of Adults, Health & Communities to enter into the S256 agreement for social care projects as set out in appendix 1; and
- 2.3. Delegates authority to the Director of Adults, Health & Communities, subject to the Council's budget setting meeting of the 2<sup>nd</sup> March 2023, to enter into the S76 agreement as set out in appendix 2 to make a contribution to the Welbourne Health Centre project of £3.152m.

### **3. Reasons for decision**

- 3.1. The intention of the NHS North Central London ICB to make a grant to the Council to support a range of social care projects requires a Cabinet Member decision in accordance with Contract Standing Order 9.07.
- 3.2. The intention of the Council to make a contribution to the Welbourne Health Centre similarly requires a Cabinet Member decision in accordance with Contract Standing Order 9.07 and Contract Standing Order 16.02.

### **4. Alternative options considered**

- 4.1. There is an option to not accept the grant from the NHS North Central London ICB.
- 4.2. There is an option to not make the contribution to the Welbourne Health Centre project.
- 4.3. These options have been discounted as they would likely result in health centre project not proceeding. There is a very pressing need to ensure that the Health Centre is provided in an area of high need and entering into these arrangements is considered to be in the best interest of the Haringey residents.

### **5. Background information**

- 5.1. In 2015, it was identified, in the NHS England Strategic Plan, that by 2025 a health facility providing services for 25,000 patients will be needed within the Tottenham Hale locality. To assist in meeting that need a shell and core health centre was built into the Welbourne project with the intention that the NHS would fund the fit out.
- 5.2. Planning permission for the Welbourne site was granted in 2019 to provide 131 residential units plus a health centre.
- 5.3. NHS North Central London ICB (NCLICB) has secured funding from NHS England to fit out the Health Centre. The funding must be significantly spent by 31 March 2023. To achieve this, site access was required for the GPs' fit out contractor by December 2022. NCL ICB advised that, if these conditions are not met, it is unlikely they will be able to secure alternative funding in the future. These conditions have been met and a range of documents have been entered into to give effect to the lease of the health centre to the GP's.
- 5.4. NHS North Central London ICB (ICB) have also asked the Council to further assist with the financing of the health centre. The ICB have identified an underspend within their 2022/23 budget that they are planning to use to support the Welbourne Health Centre project. Under the NHS financial arrangements, if this funding is not spent in 2022/23 then it will not be available to be carried forward. If this were to happen, the health centre project would most likely not proceed.

- 5.5. To achieve the required spend in 2023/24, the ICB is proposing to make a grant to the Council in 2022/23 to support the following social care projects, to the value of £3.152m.
- Osbourne Grove Nursing Home
  - Canning Crescent Scheme
  - Localities Hub Scheme
  - Family Hub Scheme
  - Assistive Technology Scheme
  - Early Help and Prevention Scheme
- 5.6. The Council is asked to provide contribution to the Welbourne Health centre to the value of £3.152m in 2023/24.
- 5.7. It has been confirmed by the Chief Finance Officer of the ICB that the proposed transaction is one the ICB is capable of entering into with Haringey Council, that there are statutory powers that support the decision, the ICB auditors are content with the transactions and all ICB governance processes will be complied with.
- 5.8. The agreements are included as appendices to this report.

Appendix 1: Draft funding transfer agreement for the Osbourne Grove Nursing Home, Canning Crescent Scheme, Localities Hub Scheme, Family Hub Scheme, Assistive Technology Scheme, Early Help and Prevention Scheme under section 256 of the NHS Act 2006.

Appendix 2: Draft funding transfer agreement for the Welbourne Health Centre Scheme under section 76 of the NHS Act 2006.

## **6. Contribution to strategic outcomes**

- 6.1. This arrangement helps meet the People priorities and outcomes of Haringey's Borough Plan 2019-2023 and the Haringey Health and Wellbeing Strategy 2020-2024 (draft). The Welbourne Health Centre will significantly improve health facilities in the area and the various social care projects aim to improve health and social care outcomes for residents.

## **7. Statutory Officer Comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)**

### **7.1. Finance**

- 7.1.1. The recommendations of the report are to accept a grant from the ICB in the sum of £3.152m through a S256 agreement in 2022/23 and to enter into a S76 agreement to make a contribution to the Welbourne Health Centre project in 2023/24 (subject to the Council's budget setting meeting on the 2<sup>nd</sup> March 2023). Both these decisions are not delegated to officers. In accepting the grant in support of the special care projects and then making a grant to support the Welbourne Health Centre project, the financial effect on the Council is neutral.

## **7.2. Procurement**

7.2.1. N/A

## **7.3. Legal**

7.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.

7.3.2 Pursuant to Contract Standing Order 9.07 and Contract Standing Order 16.02 the Cabinet Member having the relevant portfolio responsibilities has authority to approve the recommendations in the report.

7.3.3 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet Member for Health, Social Care from approving the recommendations on the report.

## **7.4. Equality**

7.4.1. The council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- 1) Eliminate discrimination, harassment and victimisation, and any other conduct prohibited under the Act;
- 2) Advance equality of opportunity between people who share those protected characteristics and people who do not;
- 3) Foster good relations between people who share those characteristic and people who do not

7.4.2. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex, and sexual orientation. Marriage and civil partnership status apply to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey treats socioeconomic status as a locally protected characteristic.

There will be no equalities implications arising from accepting this grant. Any equalities implications pertaining to the separate projects making use of this funding will be captured in their individual reports.

## **8. Use of Appendices**

Appendix 1: Draft funding transfer agreement for the Osbourne Grove Nursing Home, Canning Crescent Scheme, Localities Hub Scheme, Family Hub Scheme, Assistive Technology Scheme, Early Help and Prevention Scheme under section 256 of the NHS Act 2006.

Appendix 2: Draft funding transfer agreement for the Welbourne Health Centre Scheme under section 76 of the NHS Act 2006.

## **9. Local Government (Access to Information) Act 1985**

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N/A