



Haringey Council

Report for:	Cabinet - 16 January 2014	Item Number:	
Title:	Section 75 Agreement for a Pooled Fund under Section 75 of the National Health Service Act 2006 for the commissioning and delivery of services for residents in the London Borough of Haringey		
Report Authorised by:	Mun Thong Phung Director of Adult Social Services		
Lead Officer:	Beverley Tarka Acting Deputy Director, Adult and Community Services		
Ward(s) affected:	All	Report for Key Decisions	

1. Describe the issue under consideration

- 1.1. This is a new Section 75 Pooled Budget Agreement pursuant to section 75 of the National Health Service Act 2006 for the commissioning and provision of integrated learning disabilities services for residents in the London Borough of Haringey.
- 1.2. Following changes within the NHS, with the establishment of clinical commissioning in April 2013, the agreement is now presented and operated in two parts [1. Commissioning Agreement between the Council and NHS Haringey Clinical Commissioning Group (CCG); and, 2. Service Level Agreement between the Council and Barnet, Enfield & Haringey Mental Health NHS Trust and Whittington Health NHS Trust.]
- 1.3. This is a revised approach from previous Section 75 agreements with the Commissioning Agreement, covering the commissioning responsibilities of the two commissioning bodies, Haringey Council and Haringey CCG, and the Service Level Agreement covering the service delivery or provision responsibilities between the Council (as 'host partner', within the Haringey Learning Disability Partnership) and the two service delivery NHS Trusts (Barnet, Enfield and Haringey Mental Health NHS Trust and Whittington Health NHS Trust).



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- 1.4. Due to the revised arrangements, discussions and negotiations have continued since the launch of Haringey CCG in April (2013). Both of the three-year (2013-16) agreements are presented here for Cabinet approval and will run concurrently, from April 2013 to end of March 2016.

2. Cabinet Member introduction

- 2.1. Cabinet is asked to agree that the Council enters into agreement with NHS Haringey CCG pursuant to Section 75 of the National Health Service Act 2006, in relation to the commissioning element of this Section 75 Agreement. This commissioning element was formally presented and approved by NHS Haringey CCG on 28 November 2013.
- 2.2. Cabinet is asked to agree that the Council enters into agreement with Barnet, Enfield and Haringey Mental Health NHS Trust; and, with Whittington Health NHS Trust, in relation to the service delivery/ provision element of this Section 75 Agreement.
- 2.3. As Cabinet Member for Health and Adult Services I support these recommendations for renewal of existing arrangements for integrated working and operation of a pooled fund as this supports effective and efficient service delivery to vulnerable people.

3. Recommendations

- 3.1. Cabinet is asked to give approval for both agreements, under the auspices of the revised approach to this "Section 75 Agreement", which enables the partners to establish and maintain a pooled fund to formalise and develop integrated services provided under the Haringey Learning Disability Partnership (HLDP).

4. Alternative options considered

- 4.1. Not applicable.

5. Background information

- 5.1. The integration of health and social care services for people with learning disabilities has been a policy of successive governments and local partners and remains a key driver for future improvements in the delivery of health and social care, leading to a better experience and outcomes for people who use services and for carers. Haringey Council and Haringey CCG are committed to maintaining a joint commissioning and delivery approach for Haringey Learning Disability Partnership (HLDP) integrated services, and building on these to ensure even greater integration of health and social care, best use of resources and improved outcomes for the residents of Haringey.
- 5.2. The HLDP was established in 2003. This has been a partnership, under Section 75 of the National Health Service Act 2006 between the local authority (Haringey Council) and the local NHS trusts. The previous Section 75 partnership agreement was signed in 2010, by the then three partners, namely Haringey Council; NHS Haringey Primary Care Trust; and, Barnet, Enfield and Haringey Mental Health NHS



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Trust. That Section 75 Agreement was approved by Cabinet Member signing on 04 June 2010. Subsequently, following the establishment of Whittington Health NHS Trust, the Section 75 Agreement was revised to reflect that change and the agreement was approved by Cabinet Member signing on 18 April 2011.

- 5.3. The new Section 75 Agreement has been comprehensively revised, reviewed and updated following extensive discussions with all partner agencies. Consultation with people who use HLDP services and with families/ carers was carried out during the latter half of 2012 and early 2013. The Partners agreed to establish the Pooled Fund under Section 75 of the National Health Service Act 2006 and the Partnership Regulations 2000 and in accordance with the terms and conditions contained within both elements (Commissioning and Delivery) of the agreement.
- 5.4. These two agreements set out the arrangements by which HLDP establishes and maintains a pooled fund for the delivery of services for people, and the carers of people, with learning disabilities, with the Council, acting as 'host' or lead partner.
- 5.5. The revised approach (of separating commissioning from service delivery/provision) creates an opportunity to further develop commissioning of local services, in line with the wider commissioning agenda. In practice, the commissioning element may also act as a framework whereby the CCG and the Council, as commissioners, can agree new pooled funds in addition to learning disabilities. In particular, this model and the success of the HLDP to-date will serve as an example for further health and social care integration arrangements, which are referred to in section 10 (Policy Implication) below.
- 5.6. During the lifetime of these agreements, the HLDP will further develop integrated delivery, working in a much more 'shared service manner', both within the Community Team and within other provision services, such as residential, respite and day opportunities services. Furthermore, all partners are committed to achieving efficiency savings over the lifetime of the new Section 75 Agreement(s).
- 5.7. The following principles apply to both agreements:
 - Both are joint agreements for three years (commenced April 2013) and will deliver against the Well-being strategic Framework;
 - The agreements set out the shared vision of the Council's Adult Services; NHS Haringey CCG; Barnet, Enfield & Haringey Mental Health NHS Trust; and, Whittington Health NHS Trust;
 - The objectives are to promote wellbeing, reduce health inequalities and improve health and social care outcomes for individuals with a learning disability. And furthermore, to improve the quality of life for people by commissioning integrated health and social care delivered closer to home;
 - This is a revised arrangement for the presentation and operation of the Section 75 Pooled Fund, which funds the delivery of services via the Haringey Learning Disability Partnership (HLDP), with the clear separation in this arrangement of service commissioning and service delivery/ provision;



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- The Council is the 'host' or lead partner within the HLDP and is the primary link between the commissioning and service delivery functions of the Section 75 Agreement;
- The agreements are owned by the respective partners and will be 'live' working agreements (for e.g. with on-going development of the service specification) and both agreements are outcome-focused; and
- Both agreements are subject to annual review.

6. Comments of the Chief Finance Officer and financial implications

- 6.1. The total LD Partnership budget for 2013-14 is £8.461m, of which the Council contributes £6.168m. This is a fully funded budget. Negotiations are still ongoing around the budget for the second and third year. These budgets will be agreed through the LD Partnership Board, and the Council contribution will be approved as part of the Medium Term Financial Planning process. There is a clear expectation across all the parties to the Agreement that year on year savings and efficiencies will be delivered.
- 6.2. In theory, as lead partner within the HLDP, the Council is incurring a somewhat increased level of financial risk as a result of the increased size and complexity of the budget. However, this arrangement has been successfully operating for a number of years with no significant issues and there are proven effective processes in place to mitigate this risk. The overall budget is effectively managed through the Partnership Board and the Council's own financial and budgetary management processes also apply. In practice, therefore, the risk is minimal and there are no substantial financial reasons that the Council should not enter into this agreement.
- 6.3. In addition, the revised approach separating out the Commissioning and Service Delivery aspects clarifies the respective responsibilities of the partners.

7. Head of Legal Services and legal implications

- 7.1. The Head of Legal Services notes the contents of the report.
- 7.2. Section 75 Agreements for pooled funding may be entered into pursuant to S75 of the National Health Service Act 2006(the Act) as amended. The Act allows for local authorities and NHS bodies to pool funds to be spent on agreed programmes for designated services.
- 7.3. As a result of changes introduced by the Health and Social Care Act 2012 and the abolition of PCTs and their replacement with Clinical Commissioning Groups (CCGs), the Council now proposes separate commissioning and delivery Agreements in respect of the services which are subject to pooled funding.
- 7.4. Because of the value of the pooled fund and the services to be delivered, this is a Key Decision and therefore requires inclusion in the Forward Plan and approval by Members in accordance with Part 4, Section F, Para 1.3 of the Cabinet Procedure Rules.



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- 7.5. The Council now wishes to enter into a Section 75 Agreement with NHS Haringey CCG in respect of the commissioning of integrated learning disability services in Haringey.
- 7.6. In respect of the delivery of the services the Council wishes to enter into a Delivery Agreement with (1) Barnet Enfield and Haringey Mental Health NHS Trust; and (2) Whittington Health NHS Trust.
- 7.7. The Delivery Agreement requires a waiver of Contract Standing Orders in respect of tendering and also approval for the award of the contract.
- 7.8. The Head of Legal Services confirms that there are no legal reasons preventing Members from approving the recommendations in this report.

8. Equalities and Community Cohesion Comments

- 8.1. The people who are supported by Haringey Learning Disability Partnership are some of the most vulnerable and excluded residents of the borough. Improving access to services, through partnership working and continued development of integrated services, will help ensure that people are enabled to have more choice and control over their loss of independence and place in the community.

9. Head of Procurement Comments

- 9.1. Whilst the decision to pool budgets is not procurement related, there is a subsequent impact on procurement in that existing contracts may need to be renegotiated / realigned.
- 9.2. Additionally, there are pending changes to European Public Contract Regulations in that the distinction between Part A and Part B services will be removed.
- 9.3. Currently Health and Care contracts fall under "Part B" services and are thus saved from the full regime of open competition, but once the new Regulations are enacted in the UK (probably late in 2014), all Health and Care contracts will need to be openly advertised and competed.
- 9.4. Services and Central Procurement will therefore need to be taking account of these impending changes in our strategies and plans.

10. Policy Implication

- 10.1. In the Spending Review 2013, the Government announced a new pooled fund (of £3.8 billion) for health and social care services, shared between the NHS and local authorities, to deliver better outcomes and greater efficiencies through more integrated services for older and disabled people. Haringey Council (Adult Social Services) and Haringey CCG are preparing a joint integration plan, referred to as the 'Better Care Fund (BCF): Health and Social Care Integration Plan', which is due to be submitted to NHS England in February 2014.



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10.2. This Section 75 Agreement, and joint arrangements in Haringey which support people with learning disabilities, represent a model of good practice for the current integration initiatives which are underway.

11. Reasons for Decision

11.1. This is a 'Key Decision'. The Learning Disabilities Partnership is a well established, comprehensively integrated service with multi-disciplinary teams and management structures. Joint approaches to assessments and information sharing are well established as is case coordination. The success of the partnership reflects the commitment of the Council and the CCG to integration as the best and proven method of supporting its important and complex user group. On this basis renewal of the partnership agreement is recommended.

12. Use of Appendices

12.1. None.

13. Local Government (Access to Information) Act 1985

- The National Health Service Act 2006;
- NHS Bodies and Local Authorities Partnership Arrangements 2000 (SI 2000/617);
- Valuing People (2001);
- Valuing People Now (2009);
- "Our Health, Our Care, Our Say" (DH 2006);
- "Putting People First" (DH 2007); and
- Haringey Wellbeing Strategic Framework.