

Social Care and Health Overview and Scrutiny Committee

24th October 2019.

Agenda Item No. 8

Walsall Together S75 Agreement

Ward(s) All

Health and Wellbeing - Councillor M. Longhi
Adult Social Care - Councillor R. Martin

Report:

To keep Social Care and Health Overview and Scrutiny Committee informed as to the purpose, scope and progress of the Walsall Together S75 agreement between Walsall Council and Walsall Healthcare Trust so that it can be fully sighted on its development and can flag any early concerns or considerations.

Recommendations:

That:

The Committee notes the content of the report and has an opportunity to ask any clarifying questions or raise any concerns/observations.

1. Aim

- 1.1. The main aim of the S75 agreement is to enable closer integrated working between health and social care to improve outcomes and experience of care for the people of Walsall.
- 1.2. Section 75 of the National Health Service Act 2006 empowers local authorities and National Health Service (NHS) bodies to enter into partnership arrangements in relation to certain functions, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

2. Know

- 2.1. We know there are national policy requirements to improve and better integrate health and social care e.g. Ten Year NHS Plan, Sustainability and Transformation Plans/Partnerships and Better Care Fund plans.
- 2.2. The Walsall health and care system partners are developing new integrated ways of working to improve the health and wellbeing outcomes of their population, increase the quality of care provided and provide long term financial sustainability for the system. The "Walsall Together" partners will align non-acute services in the community to meet these objectives.

3. Background/context

- 3.1. On 13 February 2019, cabinet approved the formation of an s75 NHS Act contract during 2019/20. Executive Director of Adult Social Care to bring that back to Cabinet for consideration.
- 3.2. Section 75 of the National Health Service Act 2006 empowers local authorities and National Health Service (NHS) bodies to enter into partnership arrangements in relation to certain functions, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.
- 3.3. Walsall Healthcare Trust and Walsall Council will be the sole parties to the Walsall Together S75 agreement.
- 3.4. S75 is a partnership of equal control whereby one partner can act as a “host” to manage the delegated functions, including statutory functions of both partners who remain equally responsible and accountable for those functions being carried out in a suitable manner.
- 3.5. Walsall Healthcare Trust will act as the host for the Walsall Together programme.
- 3.6. Walsall Healthcare Trust, will provide a vehicle for governance of the Integrated Care Partnership (ICP) by establishing the ICP Board within the framework of its existing corporate structure.
- 3.7. Commissioning oversight (both LA and CCG) of the partnership will be done through a Contract Performance and Partnership Review Meetings (CPPRM.)
- 3.8. The S75 will define how the statutory duties will be executed, how staff will be managed, and how financial and performance accountability will be achieved.
- 3.9. Walsall Healthcare Trust will be the contractual lead accountable for the services in scope and the overall transformation of health and wellbeing outcomes.
- 3.10. It is still to be determined which specific service areas will be in scope for Adult Social Care, Public Health and Children’s social care services.
- 3.11. We do not expect that the initial S75 would see staff employment nor micro commissioning budget transfer to the host. However, arrangements will be put into place to enable staff to be managed in an integrated way.
- 3.12. Implications may involve a redesign of services as well as redesigning the way in which we work so to increase collaboration.
- 3.13. To ensure implementation of the Walsall Together S75 by April 2020, a working group has been formed of relevant WHT and council staff. A draft S75 will be required to be completed by 1/1/2020 in order to go to Cabinet and WHT Board in February 2020.

4. Council Corporate Plan Priorities

4.1. The integration of health and social care delivery is in line with the following Council Corporate priorities:

4.1.1. People: have increased independence, improved health and can positively contribute to their communities.

4.1.2. Communities: are prospering and resilient with all housing needs met in Safe and healthy places that build a strong sense of belonging and Cohesion.

5. Risk Management

5.1. Risk Management arrangements are currently being developed.

5.2. The terms of reference of the Contract Review Meetings are currently in draft form.

6. Financial implications

6.1. There are no apparent adverse financial implications, however, this will be explored in more detail through the project group.

6.2. A further briefing document will be produced, setting out operational and financial implications once in scope areas have been finalised.

7. Legal Implications

7.1. There will be a number of legal advice requirements during 2019/20 to produce the S75 NHS Act agreement.

7.2. The Host will commission legal advice, if required, to develop the collaborative position on the host and sub contractual arrangements.

7.3. The Council will require individual legal advice to be fully informed about the Contracts and the implications.

7.4. Procurement Implications/Social Value

7.5. N/A

8. Property Implications

8.1. Over the lifetime of the Host Provider, premises will be adapted for co-location and locality access with likely shorter-term accommodation requirements arising from this new way of working. There could therefore be some short-term property implications ahead of a wider estate strategy being developed by the council and the host provider.

9. Health and Wellbeing Implications

9.1. The main aim of this arrangement is to enhance the health and wellbeing of Walsall People. This is based on the partners moving to a population based management approach whereby they are collectively responsible for enhancing the health and wellbeing of local residents.

10. **Staffing Implications**

10.1. We do not expect that the initial S75 would see staff employment transfer to the host. However, arrangements will be put into place to enable staff to be managed in an integrated way.

11. **Reducing Inequalities**

11.1. There is no EQIA requirement for the development of the S75 agreement, however, Equality Impact Assessments will be produced at each stage of any proposed service changes to inform the impact of this development; and be further informed by the public engagement and consultation phase.

12. **Consultation**

12.1. Service users and staff will be consulted as necessary.

13. **Decide**

13.1. N/A

14. **Respond**

14.1. The next steps in the development of the S75 will be to determine the following:

- Exactly what services/functions will be in scope of the agreement
- Determine the staffing arrangements for staff associated with in scope areas.
- Determine the financial arrangements with the host provider.

15. **Review**

15.1. Once the S75 is developed the oversight of this will be done through Contract Review Meetings, the Terms of Reference for this meetings are currently being developed, broadly the meeting will:

- Review performance of quality, activity and finance of in-scope services against the requirements of specified targets and standards.
- Monitor services with respect to delivery of the Walsall Better Care Fund plan.
- Monitor, from a commissioning and/or provider perspective, progress on the development and delivery of the Walsall Together Integrated Care Partnership, with particular reference to:

- NHS Contracts' Service Development Improvement Plans (SDIP)
 - Walsall Together S75 Agreement
 - Better Care Fund indicators
 - The Walsall Outcomes Framework
 - Walsall Together programme plan
 - Adult Social Care Outcome Framework
 - Other relevant performance indicators.
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- Provide a forum for the identification and management of issues relating to the commissioning of the Walsall Together programme, for instance where services change proposals developed by the ICP require formal approval by commissioners.

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