

**TELFORD & WREKIN COUNCIL**

**HEALTH & WELLBEING BOARD - 10<sup>th</sup> DECEMBER 2014**

**FUNDING TRANSFER - NHS ENGLAND (SHROPSHIRE AND STAFFORDSHIRE AREA TEAM) PARTNERSHIP AGREEMENT ("LANSLEY") AND OTHER AGREEMENTS**

**REPORT OF: PAUL TAYLOR: DIRECTOR OF HEALTH, WELLBEING AND CARE AND DAVID EVANS:CHIEF OFFICER, CCG**

**LEAD CABINET MEMBER –CLLR ARNOLD ENGLAND**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

The Health and Wellbeing Board are required to discuss and agree the NHS England (Shropshire and Staffordshire Area Team) Partnership Agreement ('Lansley') in respect of a grant pursuant to section 256 of the National Health Service Act 2006, attached as Appendix 1.

The Health and Wellbeing Board is also asked to note:

- Four additional agreements held between NHS Telford and Wrekin Clinical Commissioning Group (CCG) and the Borough of Telford and Wrekin which are due to be approved at the same time as the Lansley Agreement. Appendix 2, 3, 4 and 5.
- The funding referred to in these various agreements will be transferred into a single section 75 Partnership Agreement from April 2015-16 and onwards, excluding the funding outlined in Appendix 3 which is non recurrent. Discussions are taking place between the two authorities to agree and establish the distribution of the available resources.
- A further report on the outcome of this work will be presented to the Health and Wellbeing Board in March 2015. This report will contain details on measurable outcomes and the agreed monitoring arrangements in each authority. The development of the Pooled Fund Partnership arrangements, including the Terms of Reference will be aligned to the '*Pooled budgets and the Better Care Fund*' guidance produced in October 2014 by the Chartered Institute of Public Finance and Accounting, and any subsequent guidance, published in the near future.

## **2. RECOMMENDATIONS**

The Board is requested:

- 1) To discuss and approve the signing of the agreement between NHS England (Shropshire and Staffordshire Area Team) Partnership Agreement and Telford and Wrekin Council.
- 2) To note the four additional funding agreements between the two authorities, also due to be signed at the same time.
- 3) To note the work that is taking place to prepare for a new single Section 75 Partnership Agreement and **request** a further report, prior to commencement, in April 2015.

## **3. IMPACT OF ACTION**

Approval on the content of this report and particularly the NHS England (Shropshire and Staffordshire Area Team) Partnership Agreement is required by the Health and Wellbeing Board for the transfer of the monies to occur (£3,549 million).

The single section 75 Partnership Agreement which will come into effect from 1<sup>st</sup> April 2015 will be for the full funding amount within the BCF for 2015-16 (**£12,068,000**). This agreement will represent new ways of working between the two authorities and other partner organisations. The Health and Wellbeing Board are responsible for oversight of these arrangements.

#### **4. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to a specific HWB Priority	
	Yes	<ul style="list-style-type: none"> <li>To support people with specific health needs to live independently for as long as possible</li> <li>To support people with dementia</li> </ul>
	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<ul style="list-style-type: none"> <li>Improving the health and wellbeing of our communities and addressing health inequalities</li> </ul>
	Will the proposals impact on specific groups of people?	
	Yes	<p>The current focus for the BCF is to transform public services for adults needing high levels of health and/or social care support, particularly frail older people at risk of and/or suffering as a result of:</p> <ul style="list-style-type: none"> <li>Falls</li> <li>Dementia</li> <li>Long term conditions /End of Life</li> <li>High risk of admission to hospital or care home</li> <li>Discharged from hospital with a need for rehabilitation and/or enablement</li> </ul> <p>This is based on JSNA evidence of demographic changes. Local residents aged 65 and over are an increasing proportion of the population with the fastest increase since 2001 in the 85+ age group (27.3%). The 65+ population is expected to increase by 9,200, an increase of 37%. This age group currently represents 14.5% of the total population. By 2026 this will 17.3%.</p>
<b>TARGET COMPLETION/DELIVERY</b>	<ul style="list-style-type: none"> <li>Sign off of the four Agreements – immediate.</li> </ul>	

<b>DATE</b>	<ul style="list-style-type: none"> <li>New arrangements for the section 75 Partnership Agreement – 1<sup>st</sup> April 2015.</li> </ul>	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>The funding contained within these agreements is required to support budgeted expenditure in 2014/15.</p> <p>The approval of the S256 agreement (Appendix 1) will enable the direct transfer of £3.549m to T&amp;W Council from NHS England to support the cost of Adult Social care services with a health benefit.</p> <p>The use of and source of funding for all of these agreements is detailed within the appendices to this report.</p> <p>There will be a Pooled budget of £12.068m in place to support the Better Care Fund plan in 2015/16 and this will contain all of the funding considered in this report with the exception of £355k which is only available in 2014/15. A Section 75 agreement will underpin the Pooled Budget and will be subject to a further report to this Board.</p>
<b>LEGAL ISSUES</b>	Yes	<p>Section 75 Agreements for pooled funding may be entered into pursuant to S75 of the National Health Service Act 2006 (as amended) which allows for local authorities and NHS bodies to pool funds to be spent on agreed programmes for designated services.</p> <p>Section 256 of the National Health Service Act 2006 (as amended) enables NHS Commissioning Authorities (i.e. Clinical Commissioning Groups) to make grants to local authorities towards expenditure on community services and any of the local authority functions.</p> <p>The Health and Social Care Act 2012 sets out the government's reforms to the NHS in England, including the</p>

	<p>abolition of Primary Care Trusts (PCTs), whose commissioning functions transferred to GP consortia Clinical Commissioning Groups (CCGs) from 1 April 2013). The HSCA 2012 amends the NHSA 2006 to include CCGs in the definition of NHS bodies able to enter into section 75 agreements.</p> <p>Under the section 75 Agreements, Telford and Wrekin CCG will delegate its functions (defined as those functions mentioned in regulation 5 of the NHS Bodies and Local Authorities Partnership Arrangement Regulations 2000 SI No. 617) to the Council , so that the Council may exercise its functions alongside the Council functions and act as lead commissioner of the Services. The Council will also host and provide the financial and administrative support required to enable the effective and efficient management of the Pooled Fund. The Partners will establish the Section 75 Group by appointing the representatives of the Partners and the Section 75 Group will jointly manage the commissioning of the Services. Each Partner provides a cross indemnity which indemnifies the other where it suffers loss caused by a breach of the Agreement terms, negligence, wilful default or fraud.</p> <p>Under the s256 Agreements Telford and Wrekin CCG is empowered to make payments to the Council (who are a local Social Services Authority within the meaning of the Local Authority Social Services Act 1970) towards expenditure incurred or to be incurred by the Council on agreed services. The Council will be responsible for the commissioning and procurement of the required services and will therefore have to ensure compliance with its Constitution and obtaining best value</p>
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		<p>when doing so. The council will provide details of expenditure to the CCG.</p> <p>As set out at paragraph 1 of the report below, this report relates to the transfer of funds for 2014/15. A further report will be provided to the Board in relation to the appropriate agreements for 2015/16.</p>
<b>EQUALITY &amp; DIVERSITY</b>	No	None.
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough Wide Impact
<b>PATIENTS &amp; PUBLIC ENGAGEMENT</b>	Yes	<p>Linked to the BCF, engagement has taken place through a range of meetings including:</p> <ul style="list-style-type: none"> <li>• Launch – July 2014</li> <li>• Working Together Event – September 2014</li> <li>• Presentations to a wide range of meetings including Carers Partnership Board, Dementia Partnership Board, Shropshire Partners in Care; Voluntary Sector Chief Officers Group.</li> </ul>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	None.

## **PART B) – ADDITIONAL INFORMATION**

### **1. INFORMATION**

This paper is about the NHS England transfer of funds to social care for 2014-15 (*NHS Gateway Reference 01597 – Funding Transfer to social care 2014-15*). The NHS England (Shropshire and Staffordshire Area Team) Partnership Agreement (Lansley) and other agreements, listed below.

<b>Section 256 Agreements</b>		
Appendix 1	The NHS England (Shropshire and Staffordshire Area Team) Partnership Agreement (Lansley)	£3,548,832
Appendix 2	NHS Telford and Wrekin Clinical Commissioning Group: Rehabilitation, Reablement and Intermediate Care.	£976,000
Appendix 3	NHS Telford and Wrekin Clinical Commissioning Group: Maintaining Named Individuals	£355,000
<b>Section 75 Agreements</b>		
Appendix 4	NHS Telford and Wrekin Clinical Commissioning Group and Telford and Wrekin Council: Carers	£515,500
Appendix 5	NHS Telford and Wrekin Clinical Commissioning Group and Telford and Wrekin Council: Intermediate Care (Beds and Community) Services.	£323,100

The funding from NHS England (Shropshire and Staffordshire Area Team) cannot be transferred to Telford and Wrekin Council until the following requirements are met.

<b>Requirement</b>	<b>Local Comment/Assurance</b>
The Health and Wellbeing Board has discussed and agreed how the funding is to be used.	December 2014
That CCGs and Local Authorities take a joint report to the Health and Wellbeing Board to agree what the funding will be used for, any measurable outcomes and the	Based on discussions between the two authorities, and in line with national guidance including the Care Act 2014, the funding will be used to support the following areas of work: <ul style="list-style-type: none"> <li>• Intermediate Care, including bed based</li> <li>• Community Equipment and Adaptations</li> <li>• Telecare</li> <li>• Integrated crisis and Rapid Response services</li> </ul>

<p>agreed monitoring arrangement in each local authority.</p>	<ul style="list-style-type: none"> <li>• Reablement services</li> <li>• Early Supported Discharge schemes</li> <li>• Preventive services</li> <li>• Carers</li> </ul> <p>Governance will reflect the guidance provided in the '<i>Pooled budgets and the better care fund</i>', produced by the Chartered Institute of Public Finance and Accountancy.</p> <p>A more detailed report on the Section 75 Partnership Agreement and governance will be presented to the Health and Wellbeing Board on 11<sup>th</sup> March 2015.</p>
<p>The Health and Wellbeing Board are required to approve the report which is then appended to the agreed Section 256 agreement between the local authority and NHS England</p>	<p>This will occur immediately after approval is given by the Health and Wellbeing Board.</p>
<p>The Agreement must be signed by both parties.</p>	<p>As above.</p>

**2. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

Please see Part A: Section 4 above.

**3. PREVIOUS MINUTES**

There are no previous HWBB minutes in relation to these agreements.

**4. BACKGROUND PAPERS**

- DH letter (enclosure 1)
- 5 Agreements at Appendices 1,2,3,4,5

**Report prepared by:**

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