

Report of the Interim Director of Adult and Community Services and the Chief Officer of the Bradford City and Bradford Districts Clinical Commissioning Groups to the meeting of Health and Wellbeing Board to be held on 8th February 2016.

L

Subject:

Working Better Together – A Whole System for Health and Social Care

Summary statement:

A progress update on work to develop a whole system approach to health and social care

Bernard Lanigan, Interim Strategic Director, Adult and Community Services

Helen Hirst, Chief Officer Bradford City and Bradford Districts Clinical Commissioning Groups

Report Contact: Angela Hutton, Programme Manager, Health and Wellbeing

Phone: (01274) 437345

E-mail: angela.hutton@bradford.gov.uk

Portfolio:

Health and Social Care

Overview & Scrutiny Area:

Health and Social Care



1. SUMMARY

The report provides further updates regarding whole system development tasks.

2. BACKGROUND

The Health and Wellbeing Board resolved on the 24th November 2015-

That a further report be provided to the Board in February 2016 which requests:

(1) That the Finance Directors of the Council and the Clinical Commissioning Groups provide information to the Board on the funds available for joint commissioning and what Service areas are applicable for commissioning.

(2) That the report also includes information on:

- (a) resolving governance issues (outlined in the Legal Appraisal section of Document G”).
- (b) the risks associated with pooling budgets.

The Board agreed that an in-depth report should return to the board exploring these matters in relation to the two areas of Mental Health and Learning Disability. It was felt that this approach would help to identify barriers to progress, assist the Board in agreeing how to progress joint commissioning for these areas of provision and could provide valuable learning for other areas of joint commissioning and provision that might be developed.

These two areas of provision are proposed to be jointly commissioned from 2016-17 through the District's Better Care Fund arrangements and to be governed by a revised Section 75 legal agreement between the parties concerned.

A detailed presentation will be made to the Board meeting to outline how Mental Health and Learning Disability services are currently funded and to propose options for the development of shared priorities and intentions and the joint commissioning of Learning Disability and Mental Health services.

3. OTHER CONSIDERATIONS

This report also provides a brief progress update on other tasks that have been assigned during 2015-16 in relation to the development of system-wide thinking and practice. The specific tasks were:

3.1 Areas for potential future savings across health and social care

Given the certainty of future funding gaps in the District's health and social care economy, Board members have tasked the Directors of Finance group to discuss and identify areas with potential for further savings, including reviewing staffing arrangements and back office functions across organisations. An initial update in November reported that further work is



required to deliver efficiencies across the rest of health and social care, however initial discussions concluded that these would need to be found through:

1. Action taken by the individual organisations to seek further efficiencies in costs that are within each organisation's control (with limited scope for savings at the scale required in future).

2. Action taken at the operational interfaces between organisations. Areas worthy of consideration were thought to include:

- capacity to enable hospital discharges;
- optimising the use of personnel across system boundaries;
- cross-system support to people with learning disabilities.

A further update reiterates the view of the Directors of Finance that achieving significant escalation of cost savings across organisational boundaries needs to be service led, and to work within the desired principles and outcomes for the health and social care economy. As such the Finance Directors have not identified any further discrete areas for potential savings.

In relation to the first of the three areas identified to date, discussions have taken place between senior managers in adult social care and Airedale, Wharfedale and Craven CCG to reduce the risk of a backlog of discharges from hospital during the winter period. There is potential to address the second and third suggestions at an early February workshop that is outlined below.

3.2 Assessment of cross-sector risk as a result of budget proposals and budget intentions

The 9th December Board meeting received and discussed a presentation on the Council budget proposals for 2016-17 and 2017-18 - under consultation until 25th February, the financial plans for Bradford City and Bradford Districts Clinical Commissioning Groups (CCGs) and the Financial Recovery Plan for Airedale, Wharfedale and Craven CCG (all subject to confirmation of budget allocation at that date).

The 9th December meeting was not quorate, however discussion of budget pressures went ahead without passing resolutions. The Board agreed to carry out further work before the next meeting to assess the potential impact of budget proposals and intentions across the sector in relation to four issues:

Learning Disability,
Mental Health,
Children and Young People,
Services for Older People

It was agreed that the resultant impact assessments should be considered at a workshop in early February to consider where impact could be mitigated. The outcomes of the workshop will be reported through presentations at the 8th February Board meeting, options and recommendations will be developed.



4. FINANCIAL & RESOURCE APPRAISAL

Financial appraisal will be conducted once options and recommendations for further system integration have been developed and reported to the Board.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

Risk management and governance issues will be reviewed once options and recommendations for further system integration have been developed and reported to the Board.

6. LEGAL APPRAISAL

This legal appraisal is referred from the equivalent November 24th Board meeting as this paper represents a further update. This initial legal appraisal has been undertaken by the Council with additions by the Clinical Commissioning Groups. The first issue that will need to be addressed is whether the organisation has the legal powers to participate in the Commissioner Alliance. Section 1 of the Localism Act 2011 allows the Council to do anything that individuals generally may do subject to the limitations set out in the same Act and any prohibitions on activities contain in other legislation. In addition the Council's Constitution (Article 13) allows the Council and the Executive to enter into joint arrangements to deliver services. The other participants will need to provide assurances that they have similar powers and are not prohibited from entering into an agreement to facilitate the Commissioner Alliance.

6.2 The second issue is whether the individual representatives of the organisations have delegated authority to take decisions on behalf of their organisations. Bradford Council sets its budget annually at Full Council and allocates funding to each department for the provision of its services. Article 14 of the Council's Constitution gives delegate authority to officers to implement decisions of the Council. This would include the allocation of budgets to deliver services. Similarly each CCG has to submit a financial and operational plan to NHS England approved by each CCG Governing Body. The individual CCGs whilst being authorised to spend their resources as they see fit to deliver their objectives have to ensure all NHS constitution standards and other statutory obligations are fulfilled. Each participant will need to ensure that their representative has the necessary authority to take decisions as part of the Commissioners Alliance that will bind their organisation.

6.3 All parties will need to understand the legal and governance framework within which each participant undertakes their commissioning and procurement activities. Bradford Council and the CCGs must comply with all legislation that applies to Local Authorities and the NHS respectively in terms of securing value for money and in particular the European Union Procurement Regulations relating to public sector contracts. In addition Council officers must exercise their delegated authority in accordance with the Council's agreed budget and policy framework and comply with the Council's Contract Standing Orders and Financial Regulations and CCG officers and clinical leaders have a similar governance framework through their CCG constitutions with which they have to comply. To ensure that any joint commissioning and procurement is undertaken within the permitted framework of each participant, processes will have to be agreed that comply with all these requirements as well as any others that apply to other organisations.



6.4 Clarity about where decisions are to be taken is needed. If it is proposed that they are taken by the Health and Wellbeing Board then the Terms of Reference of the Board as set out in the Council's Constitution will need to be amended to reflect the additional responsibility. This will then address the issue of delegated authority in relation to the Council as it is a sub-committee of Full Council and, as such, if Full Council agrees the amendment to the Constitution then that is the delegation from Council to the Board. CCGs will need to establish the authority to do this through their constitutions and their schemes of delegation amended accordingly.

6.5 Consideration will also need to be given to the position of providers who sit on the Board as they may have a conflict of interest if they are to participate in decisions about which services should be commissioned where they may also be the providers of those services.

6.6 Full legal appraisal will be needed in relation to the further development of the Better Care Fund and Section 75 agreement and other specific issues as identified as the proposal is developed.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

8. NOT FOR PUBLICATION DOCUMENTS

None



9. OPTIONS

Options will be developed at the 3rd February workshop and presented at the Board meeting.

10. RECOMMENDATIONS

Options will be developed at the 3rd February workshop and presented at the Board meeting.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

None

