

Adult Services Scrutiny Committee

26 February 2013

Single Section 75 Agreement

Purpose

1. The purpose of this report is to update the committee on progress in developing an agreement to continue joint working arrangements with Oxfordshire Clinical Commissioning Group from April 2013 onwards.

Background

2. Section 75 of the National Health Services Act 2006 contains powers enabling NHS Bodies to exercise certain local authority functions and for local authorities to exercise various NHS functions. This in turn enables better integration of health and social care, leading to a better experience and outcomes for patients and service users.
3. The County Council has three existing agreements under Section 75 with Oxfordshire Primary Care Trust to pool resources and deliver shared objectives, often referred to as 'pooled budgets'. These agreements cover services for Older People and people with Physical Disabilities, people with Learning Disabilities and for people with Mental Health needs.
4. These existing agreements end on 31 March 2013, at the same point that the Oxfordshire Primary Care Trust ceases to exist.
5. Both the County Council and the new Oxfordshire Clinical Commissioning Group (which formally comes into being from 1 April 2013) are committed to continuing the existing joint working arrangements, and building on them to ensure even greater integration of health and social care, best use of resources, and improved outcomes for the people of Oxfordshire.

Single Section 75 Agreement

6. Experience of operating the existing, separate agreements has shown that although they are positive in encouraging joint working and improving outcomes, they limit the flexibility to move resources between 'pools' to reflect demand. There is also some inconsistency between agreements in terms of risk, and a perceived lack of transparency and oversight due to them not being brought together in a single agreement.
7. As such, the development of a single Section 75 agreement to come into effect from 1 April 2013 has been identified as a priority within the Joint Health and Wellbeing Strategy. A joint working group involving officers from both partners is developing the new agreement, which will be presented to County Council Cabinet and the Executive Committee of the Clinical Commissioning Group in March.

8. Greater emphasis has been placed on the development and delivery of joint commissioning strategies, rather than having separate aims, objectives and performance measures for the section 75 agreement. This also helps with greater transparency, as the commissioning strategies are based on wide consultation and are publicly available.
9. The proposed agreement will essentially carry over most of the content of the existing agreements, as generally these are considered to be working well. However, the new agreement will standardise as much as possible and where it is felt appropriate to do so, for example in the roles and responsibilities of Joint Management Groups and pooled budget managers that are responsible for the implementation of the section 75 agreements.
10. There are also areas where it is likely that variations will be needed to the initial agreement, and provision will be made for this. For example, there is a great deal of work that is ongoing to bring more resources into the Older People's pooled budget in particular, linked to the development of the Joint Older People's Commissioning Strategy. This work will not be completed by 1 April as the strategy will be reported to Cabinet in June (and will be brought to this Committee before then). Changes to the pooled budget will be made through variation to the overall section 75 agreement once agreed.

Summary

11. The Committee is asked to:
 - Note the progress in developing the single Section 75 Agreement that will come into effect on 1 April 2013.
 - Agree to consider the Joint Older People's Commissioning Strategy before it is considered by Cabinet in June 2013.