

## **S75 NHS Act 2006: proposals for review of current agreement**

### **Purpose of this Paper**

1. This paper sets out for the Better Care Fund [BCF] and Adults with Support Needs [ASN] joint management groups [JMG] a proposed route to review the current s75 NHS Act 2006 agreement between OCC and OCCG.
2. The current agreement was signed in 2013 and has been agreed and/or varied annually by agreement since that time. In the light of the development of the new Health, Education and Social Care [HESC] Joint Commissioning model across OCC and OCCG it seems to be an appropriate point for a substantial review of the current arrangements to
  - a. Agree the scope, objectives, and planned outcomes to be delivered by the s75 agreement going forward from April 2021
  - b. Agree the financial contributions and approach to risk share between OCC and OCCG
  - c. Agree the governance structure to manage these arrangements and provide assurance to both organizations
3. There are a number of key dependencies that impact on this proposed process
  - a. The impact of the covid-19 pandemic; specifically the revised financial regimes for both NHS and County Council mean that the contributions and budgets for 2020/21 are only now to be confirmed in the current cycle of JMG meetings
  - b. The HESC Joint Commissioning model is to be delivered by a revised organizational structure. This is currently subject to formal consultation with staff and which will not confirm those arrangements until 30 November 2020.
  - c. As part of the new HESC structure, a new Joint Commissioning Executive will be formed in shadow through until March 2021.
  - d. The Oxfordshire Health & Wellbeing Board in December will be asked to endorse the development and implementation of the HESC Joint Commissioning model and, by implication endorse this review of the current s75 arrangements
4. In view of these dependencies JMG is asked at this point to
  - a. approve a approach to the review of the current s75 agreement
  - b. agree the process to be followed to report back to JMG
  - c. endorse the direction of travel set out in the HESC Joint Commissioning Structure for Oxfordshire Health & Wellbeing Board
  - d. to delegate responsibility to proceed with this review as set out below

### **Background: current s75 arrangements and HESC Joint Commissioning Proposal**

5. The current s75 arrangements date from April 2013 with the establishment of OCCG in succession to the Primary Care Trust. The previous several agreements were consolidated into one s75 agreement with two pooled budgets
  - a. The Better Care Fund designed to support predominantly with older people and people with long-term physical disability
  - b. Adults with Support Needs supporting people with mental health problems (Children and adults up to the age of 65), people with learning disability and/or autism and people living with acquired brain injury

6. The two pools have reported to the Oxfordshire Health & Wellbeing Board on a suite of measures required by the Better Care Fund, the Adult Social Care Framework, the Transforming Care programme for people living with learning disability and/or autism and the Five Year Forward View for Mental Health and other national and local policies.
7. The pooled budget approach has been successful in supporting strong relationships across NHS and social care in Oxfordshire, and during the lifetime of this project there have been a number of key improvements such as
  - a. The expansion of the governance of the pools to include Clinical Leads
  - b. The creation of a number of joint officer posts. These have in turn supported such initiatives as
    - i. Reduction of delayed transfers of care from hospital with the creation of integrated step down beds and the integrated team that oversees them
    - ii. a joint approach to the assessment and support for carers;
    - iii. a jointly funded dementia support service;
    - iv. the development of alternatives to hospital for people with learning disability and/or autism and with severe mental illness;
    - v. increased support to people living with autism in the community.
  - c. Overall these joint approaches have enabled Oxfordshire to address many of the operational and commissioning interface challenges that face other systems (eg around Continuing Healthcare or responsibility for hospital discharge). It is probably true to say that this contributed significantly to our local response to the covid pandemic.
8. That said, there have been a number of challenges that the current pooled budgets have not been able to address fully: for instance
  - a. we still do not always and routinely build care around the individual first and resolve funding afterwards;
  - b. we have not been able fully to integrate spend to mitigate system risks;
  - c. we have not managed to combine commissioning leverage to manage and develop the market to provide what is needed;
  - d. when working in an integrated way with provider partners we have more work to do to integrate the benefits of effective commissioning in provider delivery
  - e. we do not yet achieve a consistently enabling, preventative approach to care delivery through our commissioning.
9. OCC has undertaken a review of its Provisioning Cycle and together with the CCG has developed the new HESC Joint Commissioning model across Public Health, Health, Education and Social Care. This model will deliver
  - a. A more strategic approach to commissioning
  - b. Greater integration of joint commissioning via a life course and tiers of need approach to provide co-produced personalised care
  - c. A more preventative approach
  - d. Greater market shaping
  - e. An end to silos and duplication
10. This model is set out at Appendix 1. This approach offers an opportunity and a context for the review of the current s75 agreement. **It is recommended therefore that the review of the s75 agreement should proceed with a view to supporting the establishment of this new model.**

## **Review of the s75: scope and process**

11. It is proposed that the review of the s75 runs in parallel to the development and implementation of the HESC joint commissioning model to deliver
  - a. An interim report to JMG in January 21 covering scope, delegations, governance and draft plan for 2020/21 for recommendation to OCC Cabinet and OCCG Board
  - b. A final report with draft s75 agreement and schedule of financial contributions and risk management approach in March 21
12. There are a number of key areas that will need to be addressed in the interim report
  - a. The scope of the revised joint arrangements and in particular those national and local strategic priorities that will be delegated to the joint commissioning structure
  - b. The resources that will need either to be pooled and/or otherwise aligned to support delivery of these priorities
  - c. The governance arrangements to assure delivery of the plan and the oversight of the resources
  - d. The opportunities to expand these joint arrangements in the future, and a roadmap that positions the joint commissioning arrangements in terms of the local and regional architecture (eg development of Integrated Care Partnership)
  - e. The relationship of the JCE to the developing Integrated Care Partnership
13. A key deliverable of the joint commissioning plan is the establishment of a *Joint Commissioning Executive* [JCE] to set the strategic approach and provide assurance to OCC and OCCG for the investment and delivery of the plan. The JCE is proposed to include
  - a. the Directors of Adults and Housing Services; Public Health and Wellbeing; Children; Finance from OCC
  - b. the Deputy CEO, Director of Finance and two Clinical Directors from OCCG
  - c. The JCE will be set up in shadow to oversee the new structures and develop the system plan during the period to March 2021. From April 2021 it could become the JMG for the future s75 agreement. This should be evaluated as an option as part of this process.
- 14. It is recommended that an interim report is brought to JMG in Jan 2021**

## **Oxfordshire Health & Wellbeing Board [HWB]**

15. The proposal to proceed with the new HESC joint commissioning structure is to be considered by the Oxfordshire HWB at its meeting in December 2020. **JMG is asked to approve the direction of travel set out in the HESC Joint Commissioning plan and confirm for HWB that the review of the current s75 will be carried out to support the implementation of the new structure.**

## **Delegated authority**

16. As noted above the JCE will be set up in shadow form to oversee the development and implementation of the HESC joint commissioning structure ahead of formal commencement. There is also a HESC steering group that is managing the detail of the development.

17. Both the Director of Housing and Adults (OCC) the Deputy Chief Executive Officer (OCCG) will sit on the shadow JCE and are part of the Steering Group. **It is recommended that JMG delegates authority to these Directors to proceed with the review on behalf of JMG and provide the interim and final reports as indicated at para 11 above.** JMG is asked to confirm any specific parameters to this delegation.

#### **Summary of recommendations for decision**

18. It is recommended therefore that the review of the s75 agreement should proceed with a view to supporting the establishment of this new model
19. It is recommended that an interim report is brought to JMG in Jan 2021
20. JMG is asked to approve the direction of travel set out in the HESC joint commissioning plan and confirm for HWB that the review of the current s75 will be carried out with a view to supporting the implementation of the new structure.
21. It is recommended that JMG delegates authority to the DASS OCC and DCEO OCCG to proceed with the review on behalf of JMG and provide the interim and final reports as indicated at para 11 above.

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OCCG 13/11/2020