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**UNION BOARD**

**BRIEFING NOTE**

**Agenda Item 04**

Date of Meeting: 20th November 2018

Subject: S75 Agreement and Terms of Reference

Presented by: Laura Whitton, NEL CCG and Simon Jones, NELC

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| **Purpose of the report:** | To provide an update on the governance arrangements for the “Union” in particular in relation to the refresh of the existing Section 75 Agreement . |
| **Scope and Context:** | North East Lincolnshire Council (NELC) and the North East Lincolnshire Clinical Commissioning Group (CCG) have a strong and established partnership, the governance of which is underpinned by a s75 agreement.  Reference to “s75 Agreement” is a reference to s75 National Health Service Act 2006, this statutory provision governs arrangements between NHS bodies and local authorities allowing them to operate pooled budgets at a local level, as well as Integrated Commissioning arrangements  In order to support the ‘Enhanced Partnership’ between NELC and the CCG the s75 has been identified as needing a refresh and realignment.  As such a work program has been brought together supported by external legal expertise to refresh the existing s75 arrangements, being predicated upon flexibility and adaptability so as to be able to support, adapt and evolve as the relationship between NELC and CCG grows.  The refreshed s75 covers :-   1. Adults Services 2. Children’s Services   The Adult Services in scope include:-   * Statutory Adult Social Care * Prevention and Early Help Services * Complex and Specialist Health and Care * Primary Care services relating to adults * Community Health Services relating to adults (including Community Mental Health) * Adult Acute Care * Adult Acute Mental Health * End of Life Care * Transitions from child to adulthood   The Children’s Services in scope include: -   * Statutory Children's Social Care * Prevention and Early Help Services * Complex and Specialist Health and Care * Primary Care services relating to children * Children's Acute Care * Maternity Services * Transitions from child to adulthood   Provision is reserved in the agreement that further service areas can be included by way of annexation in the future and with the evolution of the integration ambition.  The strategic oversight of the integration and operation of the s75 agreement will be the remit of the Union Board. This is the global phrase used to capture the concurrent meetings of the sub-committee of Cabinet (for NELC) and the sub-committee of the Governing Body of the CCG.  It is important to recognise that NELC and CCG remain two separate entities with their own regulatory and constitutional frameworks within which committee meetings are conducted.  Therefore the Union Board continues to be a meeting of separate and divisible sub committees, the terms of reference for which are captured within the s75 agreement.  The remit of the Union Board is to:   1. Oversee, and provide strategic direction / leadership for the delivery of the s75 arrangements and the development, implementation and on-going operation of the s75 Services; 2. Monitor and review the effectiveness of the arrangements and make recommendations to the Partners (e.g. in the event of any changes to legislation, developments in best practice or requirements imposed by or on the Partners); 3. On an annual basis, undertake a review of delivery against three year rolling Business Plan and Critical Success Factors and provide the necessary approvals; 4. Make recommendations to each of the Partners regarding budget and resources and no later than early December in each year submit these to the Partners for approval as part of the Business Plan and each Partner’s budget setting process; 5. Agree the Financial Contributions to be included within the Commissioning Plans for each of the relevant financial years; 6. Consider and agree redeployment, retention or apportionment of any projected or unplanned underspend in respect of a Pooled Fund; 7. Receive the Quarterly Reports from the Pooled Fund Manager(s); 8. Receive an annual report from the Partners by no later than 30th June in each year covering the progress and achievement of the Union’s strategic objectives in the 12 month period ending on the preceding 31st March; 9. Co-operate with and participate in Overview and Scrutiny exercises of the Partners into the activities of the Services and ensure that engagement and consultation obligations of the Partners are undertaken; 10. Review and ensure the operation and effectiveness of the Union arrangements and Agreement at least every two years and consider ways in which the arrangements can be developed and make recommendations to the Partners as appropriate; 11. from time to time identify, develop and approve appropriate methodology to support further integration of the Partners so as to achieve the objectives of efficiency and value for money across the Partners; 12. Unless provided for in these Terms of Reference, all other decisions arising from, or in connection with, the s75 Services shall be taken by each Partner in accordance with their existing decision making processes; 13. Receive notifications as regards "high" residual risks in relation to the delivery of the Commissioning Plans; 14. Receive notifications and assurances of actions taken to appropriately address complaints in relation to the operation of the s75 arrangements.   It is acknowledged and accepted that these functions may change and adapt as the relationship grows and as integration moves forward. Provision is made to permit that to happen.  Both NELC and CCG will capture the Union Board terms of reference in their constitutions and ensure that members of respective sub-committees have such delegations as are required for the performance and delivery of the above functions.  It is also recognised that physical integration will assist overall in the process and therefore NELC and CCG are now co-located to Municipal Offices Town Hall Square Grimsby.  Further, the s75 agreement provides for the gradual evolution of shared “back office” services such as IT, communications, data control and processing etc. Again this will assist integration as far as the law permits and is possible as a result of the strength of the relationship between the two entities and a willingness on both sides to explore such opportunities under the strategic leadership of the Union Board. |
| **Request / Recommendations:** | To take note of the briefing and support the completion of the s75 agreement. |
| **Supporting papers** |  |