

MAYOR AND CABINET			
Report Title	Section 75 arrangements for Children's Services		
Key Decision	Yes	Item No.	
Ward	All		
Contributors	Head of Targeted Services and Joint Commissioning for Children and Young People		
Class	Part 1	Date:	9 December 2015

1. Summary

- 1.1 This report sets out proposals in relation to the agreements between the Council and Lewisham Clinical Commissioning Group (the CCG), under Section 75 (s75) of the National Health Service Act 2006.

2. Purpose

- 2.1 This report outlines the current arrangements in place for joint commissioning of maternity and children's services between the council and the CCG. It goes on to ask for the Mayor's approval for the proposed s75 agreement included in appendix 1 of this report.

3. Recommendations

- 3.1 The Mayor is recommended to:
- 3.1.1 Note the existing arrangements in place for joint commissioning maternity and children's services.
- 3.1.2 Approve the s75 agreement in appendix 1 of this report.

4. Policy context

- 4.1 The Council has a duty under the National Health Service Act 2006 ("the Act") as amended by the Health and Social Care Act 2012 to take such steps as it considers appropriate for improving the health of the people in its area and is responsible for commissioning public health services in its area.
- 4.2 Section 75 of the Act and the Regulations under it allow Local Authorities and Primary Care Trusts to integrate their respective functions.
- 4.3 The flexible arrangements under the Act enable health and local authority partners to delegate commissioning of a service to one lead

organisation. Responsibility is retained by each partner to ensure that their respective legislative duties are met.

- 4.4 A S75 Agreement for Children & Young People's Services would provide that where appropriate, the Council is the lead commissioner for services on behalf of itself and Lewisham CCG.
- 4.5 The S75 attached to this report supports one of the key principles underpinning our Sustainable Community Strategy to ensure that we are 'delivering together efficiently, effectively and equitably' and contributes to the delivery of the strategy's priority to create communities which are healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and wellbeing. It also links to the corporate priorities: Young people's achievement & involvement, Protection of children, Active, healthy citizens and Inspiring, efficiency; effectiveness & equity.
- 4.6 The approach is also critical to the delivery of the objectives outlined in our Children and Young People Plan 2015-18: Build child and family resilience, be healthy and active, raise achievement and attainment and stay safe.

5. Joint commissioning arrangements in Lewisham

- 5.1 Joint Commissioning arrangements across Children's Services are well established in Lewisham and were originally established via Lewisham's Primary Care Trust (PCT). The aim of the arrangement is to support the delivery of our partnership objectives for children and young people in the borough by increasing the alignment of commissioning activity across the partners to ensure that funding is used effectively across the borough to improve service delivery.
- 5.2 These joint commissioning arrangements have a strong track record of improving outcomes through joint working, service user empowerment and innovation for children's health and social care services in Lewisham. The recent transfer of maternity commissioning to the team is evidence of the continued confidence in and commitment to this way of working. The trajectory of increasing alignment between the commissioning activities of both partners is expected to continue.
- 5.3 Given the structural changes in health commissioning which established the CCG to replace the PCT and the increasing alignment of commissioning activity, particularly in relation to maternity commissioning, it is timely that our formal agreements for commissioning are updated. The establishment of this S75 agreement would bring the arrangements for children's commissioning in line with the arrangements already in place for adult services and clarify the financial and management arrangements which already exist.

5.4 A report outlining the proposal to put in place a S75 agreement was approved by the CCG governing body on 12th November 2015. The proposed agreement covers the following services for which the joint commissioning team is already acting as lead commissioner:

- Maternity Services
- Children's Community Health Services
- CAMHS services including community, tier 4 outpatients and recent transformation funding
- Personalised Care in the home for children
- Sickle-cell and thalassemia
- Wheelchairs, Orthotics and Prosthetics
- Paediatric audiology services

6 Financial implications

6.1 Each of the sub agreements are approved individually via the CCG – the section 75 agreement is the “umbrella” trading agreement.

6.2 The value of CCG budgets associated with the agreement is approximately £30.25m of which £16m relates to maternity services. Each Party retains the right and responsibility to set its own budget, having regard to its available resources, statutory obligations, locally determined priorities and such other factors as it may consider necessary.

6.3 Contracts will be held by each party. The agreement ensures that the money flows to the Party holding each contract. All Existing Service Contracts that are solely for social care will be let by the Council and all Existing Service Contracts that are solely for health care will be let by the CCG, and in respect of such contracts payments will be made directly by the contracting organisation.

7 Legal implications

7.1 S75 of National Health Services Act 2006 provides the legal framework for local authorities and health bodies to work in a more integrated manner in the delivery of health and social services to those in their area. It provides the flexibility for funds to be aligned or pooled, functions to be delegated and resources and management structures to be integrated for greater efficiencies.

7.2 The legal framework for joint commissioning between local authorities and health bodies such as CCGs or NHS trusts is contained within s75 of the National Health Services Act 2006 as amended by the Health and Social Care Act 2012. This gives statutory powers to health bodies and local authorities to enter into partnering arrangements for the

integrated delivery of health and health related social care services. It provides for:

- Pooled funds – the ability for partners each to contribute agreed funds to a single pot, to be spent on agreed projects for designated services
- Lead commissioning – the partners can agree to delegate commissioning of a service to one lead organisation
- Integrated provision – the partners can join together their staff, resources and management structures to integrate the provision of a service from managerial level to the front line.

7.3 S75 (5) makes it clear that arrangements made by virtue of this Section do not affect the liability of NHS bodies for the exercise of any of their functions, nor the liability of local authorities for the exercise of any of their functions.

8. Crime and Disorder Implications

8.1 There are no adverse implications for crime and disorder within this paper or the planned actions.

9. Equalities Implications

9.1 Equality Analysis Assessments (EAAs) form an important part of planning for changes to services and these agreements provide a framework through which services are commissioned and provided. The Children and Young People Plan and the EAA which sits alongside it forms the foundation of these arrangements. Where funding is agreed through these agreements to support the development, redesign or commissioning of services, equalities analysis assessments will be undertaken to assess the impact of any changes.

9.2 Ensuring that services are commissioned from a better understanding of need will help to ensure that both existing and new inequalities are identified and tackled more effectively.

10. Environmental Implications

10.1 There are no adverse environmental implications within this paper or the planned actions.

Background Documents

Appendix 1: s75 agreement

If there are any queries on this report please contact:

Justine Roberts, Service Manager, Joint Commissioning team:
Justine.roberts@lewisham.gov.uk, ext 47051.