

Mayor and Cabinet			
Report Title	Public Health Services Section 75 agreement between Lewisham Council and Lewisham Clinical Commissioning Group		
Key Decision	Yes	Item No.	
Ward	All		
Contributors	Executive Director for Community Services		
Class	Part 1	Date:	5 March 2014

1. Purpose

- 1.1 The purpose of this report is to seek the Mayor's approval of the proposed section 75 agreement attached at Appendix One. This agreement delegates contracting functions to the Lewisham Clinical Commissioning Group (CCG) for those services provided by Lewisham & Greenwich NHS Trust (LGT), and the GUM Services provided by LGT, King's and Guy's & St Thomas' (GSTT) which fall under the public health functions transferred to the Council on 1st April 2013 in order to provide stability in the system for 2013/14 and 2014/15 while future commissioning arrangements are reviewed.

2. Recommendations

The Mayor is recommended to:

- 2.1 Approve the section 75 agreement attached at Appendix One to this report
- 2.2 Delegate to the Executive Director for Community Services, on the advice for the Executive Director of Resources and Regeneration and Head of Law, any minor amendments to the detail of the section 75 agreement that may be necessary.

3. Policy Context

- 3.1 The Council has a duty under the National Health Service Act 2006 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.
- 3.2 The CCG is a NHS Clinical Commissioning Group established under the 2006 Act as amended by the Health and Social Care Act 2012 and is a commissioner of health services in the London Borough of Lewisham.

- 3.3 Effective public health interventions contribute to the overall health and wellbeing of Lewisham's population and support the delivery of the Sustainable Community Strategy priorities, specifically *Healthy, active and enjoyable – where people can actively participate in maintaining and improving their own health and wellbeing* and the corporate priority, *Active, healthy citizens*.

4. Background

- 4.1 Lewisham Public Health functions transferred from the NHS to the London Borough of Lewisham in April 2013. The budget allocation from the Department of Health was £19,541,000 for 2013/14, and £20,088,100 for 2014/15. Along with all public health staff, over 70 contracts were 'novated' across from the NHS to the Local Authority with a year extension until March 2014. These contracts were primarily NHS contracts, and although a small number were terminated, the remainder were extended to enable a smooth continuation of service delivery through and beyond the transition. The public health budget allows the Council to deliver a comprehensive range of mandatory and discretionary public health functions.

- 4.2 Public Health mandatory functions include:

- Access to sexual health services
- National Child Measurement Programme
- NHS Health Check Programme
- Local health protection plan
- Public health advice to NHS commissioners/CCG

- 4.3 Public Health discretionary functions include:

- Tobacco control and Stop Smoking Services
- Alcohol and drug misuse services
- Public health services for children and young people aged 5-19
- Interventions to tackle obesity such as community lifestyle and weight management services
- Locally-led nutrition initiatives
- Increasing levels of physical activity in the local population
- Public mental health services
- Dental public health services
- Accident injury prevention
- Local initiatives on workplace health
- Local initiatives to reduce excess deaths as a result of seasonal mortality
- Behavioural and lifestyle campaigns to prevent cancer and long-term conditions
- Supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes
- Public health aspects of promotion of community safety, violence prevention and response

- Public health aspects of local initiatives to tackle social exclusion

5. Public Health Services to be included in the section 75 agreement

5.1 The Services to be delivered by LGT which fall under this Section 75 agreement are described below (GUM services are also delivered by King's and GSTT as described in 5.9 below). Each service line has its own service specification and these sit under the NHS Contract 2013/14 and 2014/15 between Lewisham Clinical Commissioning Group and Lewisham and Greenwich Trust.

5.2 Community Health Improvement Service. The purpose of the Community Health Improvement Service is to use community development and partnership approaches that support behaviour change at the level of the individual and the population in order to improve health and reduce health inequalities in the London Borough of Lewisham.

5.3 Stop Smoking Service. The service will contribute to:-

- Reducing smoking prevalence in Lewisham
- Reducing health inequalities
- Delivering Lewisham's Tobacco Free Future Action Plan

5.4 School Nursing Service. The service aims to help children and young people achieve optimal health to empower them to maximise their educational opportunities and their consequential life chances in line with Every Child Matters and the Healthy Child Programme.

5.5 Sexual and Reproductive Health Service. The aim of the Lewisham Sexual & Reproductive Health Service is to provide high quality, accessible, integrated contraception, sexual and reproductive health services for men and women in Lewisham from puberty onwards. The service will work to; improve sexual health, reduce health inequalities, prevent sexual ill health and unwanted pregnancy and enable women to plan their pregnancies.

5.6 Library service. The Library service provides access to journals, books library services and training in undertaking literature review searches GPs nurses, public health staff and other health professionals to enable them to undertake their public health roles effectively.

5.7 Active heart Service. The purpose of this service is to increase and maintain levels of physical activity among participants of the Cardiac Rehabilitation Programme.

- 5.8 Child Death Review. A Child Death Review Liaison Officer seconded by the provider will be responsible for co-ordinating all of the work required when a child death occurs. This will include supporting the designated paediatrician who is the lead consultant conducting the reviews of unexpected child deaths, and the Child Death Review Panel in its review of all deaths in Lewisham children. The provider will also ensure that a consultant paediatrician is available as specified to support the Child Death Overview function.
- 5.9 Immunisation – Strategic Co-ordination. This service will provide advice and support to the Lewisham Immunisation Lead, and the Lewisham Immunisation Strategy Group on strategic and policy development, training and communication, and will also involve leading the development and delivery of related annual action plans. An important element of these action plans will be a programme of development of general practices in Lewisham to assist them in improving uptake of key vaccines of the routine childhood immunisation programme and of other vaccines.
- 5.10 Genito-urinary medicine (GUM). GUM services are specialist sexual health services which test, diagnose and treat sexually transmitted infections (STIs). GUM services are ‘open access’. Patients do not require a referral to access them.
- 5.11 GUM hospital based services are funded through the NHS payment by results mechanism (PBR). Each time a patient attends a clinic their Local Authority is billed for that attendance. The majority of Lewisham residents receive services from King’s, GSTT and LGT.

6. Benefits of entering into a section 75 agreement

- 6.1 The benefits of entering into a section 75 agreement will include:
- Ensuring service continuity through the transition for 2013/14 and 2014/15;
 - Retaining existing collaborative commissioning arrangements and synergies between the CCG and the Public Health section of the Council;
 - Maintaining clinical governance assurance under the umbrella of the Department of Health’s standard NHS contract;
 - Realising opportunities for cost efficiencies through reducing duplication of both services and functions with LGT, King’s and GSTT and the South London Commissioning Support Unit;

7. Financial implications

- 7.1 This report seeks approval of a section 75 agreement with Lewisham CCG for Public Health Services for 2014/15 (appendix 1). Under this agreement the Council would delegate to Lewisham CCG contracting functions for those services provided by Lewisham and Greenwich NHS Trust and by Kings and Guy's & St Thomas's NHS Trust. Indicative values for these contracts, which total £9.3 million, are included in Schedule 4. Negotiation of final contract values is progressing and final figures are expected before 31/3/14.
- 7.2 The agreement is for one year only. In 2014/15 funding will come from the ring fenced Public Health Grant. The ring fence comes off for 2015/16 and not all the proposed services are statutory. Lead commissioning of any services to be provided by LGT and other local trusts in 2015/16 is likely to remain with Lewisham CCG and to be part of a revised s75 agreement.
- 7.3 The section 75 agreement, as mentioned in para 6.1, will allow the Council to realise cost efficiencies through reducing duplication of both services and functions with LGT, King's and GSTT and the South London Commissioning Support Unit.

8. Legal implications

- 8.1 Powers. 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.
- 8.2 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.

- 8.3 Governance arrangements. Governance will be in accordance with a framework, with a board made up of representatives of each Partner which together formulate proposals which eventually are put to each of the Council's and the CCG 's decision making powers. The decision making powers of the Council are vested in the Executive Management Team and then Mayor and Cabinet, taking into account the Council's formal "scrutiny" process and where appropriate full Council. The decision making powers of the CCG are vested in the CCG board.
- 8.4 On the Partnership Board, the Council is represented by the Executive Director of Community Services and the Executive Director for Resources and Regeneration, and the CCG is represented by its Chief Officer and Chief Financial Officer. The Partnership Board will provide the overall framework and direction for partnership working in relation to the Public Health functions and the Services determined by the Council to discharge those functions set out in this Agreement. The Partnership Board is not a body with legal decision making powers. The relevant decision making powers are vested in the Council, and the CCG.
- 8.5 The Council is responsible for all commissioning arrangements other than the contracting functions set out in this Agreement. The CCG is responsible for the contracting of the Services and has the key managing and reporting role as set out in this Agreement .
- 8.6 The Council will have the right to attend Lewisham and Greenwich Trust Business Contract meetings. Monitoring of the contract performance of the Services will take place through the Public Health Commissioning Sub Group of the Business meetings apart from the following services: immunisation, child death review and school nursing and GUM services. The immunisation, child death review and school nursing services will be reviewed through the Children and Young People's Sub Group of the Business Contract meetings and the GUM activity performance will be monitored by the Lambeth Council tri-borough Sexual Health Commissioning Team. Concerns about performance can be escalated to the Lewisham Health Care Quality Group or to the Business Contract meetings.

9. Equalities Implications

- 9.1 There is a low risk of adverse equalities implications arising from these proposals. This is because one aim of the agreement is to ensure continuity of existing service delivery.

10. Environmental Implications

- 10.1 There are no environmental implications.

11. Conclusion

- 11.1 The section 75 agreement proposed for approval by this report delegates the contracting functions for public health services delivered by local NHS Trust providers and places them within a legal framework. It is therefore recommended that the agreement be approved.

Background Documents

None

If there are any queries on this report please contact **Dr Danny Ruta, Director of Public Health**, 020 8314 863