

Appendix A

Background, benefits and proposed governance arrangements

Partnering with other Commissioners via Section 75

Section 75 of National Health Services Act 2006 provides the legal framework for local authorities and NHS bodies to work in a more integrated manner in the delivery of health and social services to those in their area.

The Health & Social Care Act 2012 directs Health & Wellbeing Boards to encourage health and social care services to work in an integrated manner and utilise Section 75 Agreements.

Under the 2006 Act, local authorities and NHS bodies can enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised

The powers permit:

1. Formation of a pooled budget
2. Exercise by the NHS body of the local authority's prescribed health related functions (in conjunction with the exercise of its own prescribed functions)
3. Exercise by the local authority of the NHS body's prescribed functions (in conjunction with exercise of its own prescribed health related functions)
4. Provision of staff, goods, service or making of payments between the two, in connection with the above.

The contents of Section 75 agreements are prescribed by the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (SI 2000/617). The agreement will set out, amongst other matters;

- the aims and outcomes of the arrangement
- the respective NHS Body and County Council functions which are subject to the arrangement, including the County Council's role as commissioner
- each partner's financial and non-financial contributions
- details of how the arrangements are to be managed, governed and monitored
- approval processes for individual placements
- the treatment of staff
- the duration of the arrangement
- provision for review or termination of the arrangement.

A newly commissioned framework agreement, supported by a Section 75 agreement with participating partner CCGs, will provide partners with clarity on the funding of joint packages of care.

The proposal in respect of mental health rehabilitation services is for a lead commissioning model. The County Council will continue to assume the role of commissioning services on behalf of all partners i.e. it will procure the framework agreement from which all partners can call off individual care packages.

Appendix A

Proposed Benefits of New Rehabilitation Framework and Governance

The benefits of the new rehabilitation framework and governance will be to:

- Drive the quality of support that goes beyond minimum standards;
- Drive improved cost effectiveness through improved outcomes and reduced spend compared to current levels of spot-purchasing
- Ensure that the new contracting arrangements will be linked to a care pathway;
- Set out clear outcomes for service provision and individuals;
- Deliver effective rehabilitation services;
- Help individuals to become less dependent on formal supports, recognise how to manage their wellbeing and prevent relapse;
- Achieve better value for money through market management and procurement.

A Section 75 agreement will ensure transparency and clarity around the funding arrangements which currently do not exist. Additionally, it will ensure that the relevant CCG is fully involved at all stages of the mental health rehabilitation commissioning process and remains informed of any issues arising from the placement, for example by ensuring that the CCGs are involved in the review and monitoring of placements.

Governance

The intention is to establish a Section 75 Partnership Group involving County Council and the CCGs. The Partnership Group will have the following responsibilities:

- Monitoring the effectiveness of the arrangements for delivery of the service, including the quality and performance;
- Monitoring expenditure relating to the services within the budgets set by the Partners and in accordance with the Annual Development Plan; and submitting regular reports and an annual return to the Partners, to enable them to monitor the success of the Partnership Arrangements
- Establishing information sharing agreements to ensure the commissioning process and care sourcing is managed effectively
- Oversee any termination of the agreement to ensure that plans are in place to ensure that care and support needs are will continue to be met.

Partners to the Section 75 Agreement will nominate an Authorised Officer who shall be the main point of contact for the partners, will be responsible for representing each organisations perspectives, and will manage the Agreement. The Authorised Officer for the County Council will be the Director of Adult Services and be responsible for ensuring decisions concerning the Partnership Arrangements which may impact upon the County Council are taken in accordance with the County Council's Scheme of Delegation.