

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 30 September 2019  
**Report for:** Decision  
**Report of:** Corporate Director for Adult Services

### Report Title

Future Delivery Partner for Community health and adult social care services in Trafford.

### Summary

This report outlines a proposal to enter into a s75 Strategic Partnership Agreement ("Agreement") for the integrated delivery of community health and adult social care services in Trafford between the Council and Manchester Foundation Trust.

This report seeks approval for the Council to enter into the proposed Agreement with Manchester Foundation Trust. The Agreement term will commence on 1<sup>st</sup> October 2019 and will provide assurance and a legal framework for the proposed partnership to operate within as further detailed in the report.

### Recommendation(s)

**It is recommended that the Executive approves:**

- **the proposal for the Council to enter into a s75 Strategic Partnership Agreement for the integrated delivery of Health and Social Care services with Manchester University Foundation Trust as detailed in the report; and**
- **that this decision be deemed urgent and not subject to call-in, for the reasons set out in the report.**

Contact person for access to background papers and further information:

Name: Richard Spearing (Managing Director, Trafford Community Health Services)

Extension: 4087

Background Papers:

- None.

Relationship to Policy Framework/Corporate Priorities	The proposed Agreement will support the delivery of the following corporate priorities; <ul style="list-style-type: none"> <li>• Low council tax and value for money.</li> <li>• Services focused on the most vulnerable people.</li> <li>• Excellence in education.</li> <li>• Reshaping Trafford Council.</li> </ul>
Relationship to GM Policy or Strategy Framework	Integrated Delivery of Health and Social Care.
Financial	Partner Agencies will retain budgetary and strategic responsibility for core functions and no financial implications have been identified. Integration is evidenced to lead to more efficient use of resources.
Legal Implications:	The Legal framework for the proposed Agreement is set out in Section 2 of this report.  Legal will continue to provide advice around the terms and conditions of the Agreement
Equality/Diversity Implications	Equality and Diversity implications are considered at individual service level with EIA's completed as appropriate.
Sustainability Implications	Not Applicable.
Resource Implications e.g. Staffing / ICT / Assets	Accommodation mapping and principles for shared resources are incorporated in the agreement.
Risk Management Implications	Implications covered in Schedule 6 of the report.
Health & Wellbeing Implications	Not Applicable.
Health and Safety Implications	Not Applicable.

## 1.0 Background

- 1.1 Pennine Care NHS Foundation Trust was awarded the contract to deliver community health services for children and adults for three years from the 1<sup>st</sup> April 2013. This followed a tender process conducted through the integrated commissioning arrangements in place between the Council and the Primary Care Trust (now the Trafford Clinical Commissioning Group (CCG)). A requirement of the contract was for there to be a Partnership Agreement in place for the integrated delivery of these services with the Council.
- 1.2 In April 2016 Council Executive approved the Section 75 agreement which had been developed in partnership with Pennine Care NHS Foundation Trust. This enabled the delivery of integrated health and social care services within Trafford supported by an integrated management structure.
- 1.3 The s75 community health services agreement with Pennine Care was extended for two years in April 2018 and in October 2018 Pennine Care NHS Foundation Trust served notice on to terminate the s75 agreement.

- 1.4 Trafford CCG, in conjunction with Trafford Council as associate commissioner for Children's and Public Health Services undertook a thorough and robust procurement process and Manchester Foundation Trust was identified as the successful bidder during that process and proposed future delivery partner for these services within Trafford.
- 1.5 Trafford Council and Manchester Foundation Trust are committed to the on-going delivery of integrated health and social care services and a partnership steering group has subsequently led on the determination of parameters for the partnership and also, on the subsequent revision of the terms of a s75 agreement. Legal advice has been sought throughout the process of reviewing the terms and conditions of the s75 Partnership Agreement and these are further summarised in this report.
- 1.6 The Government has explicitly stated that the development of integrated health and social care services is a key priority and the only sustainable solution to the on-going issue of required resources to meet increasing demand. There are a range of benefits gained from entering into the Partnership agreement. These include and are not limited to:
- The integrated model in Trafford is now well established and has delivered efficient and effective services with high quality outcomes.
  - There is a range of evidence supporting the view that integrated delivery of services improves the experience of our service users and patients.
  - The agreement gives a legal framework that enables stability and effective planning of services during a period of substantial change.
  - It provides for the efficient use of resources which is critical in the current financial climate.

## 2.0 Legal Framework

- 2.1 The National Health Service Act 2006 provides a framework for establishing, managing and governing partnerships and provides the basis on which partnership arrangements across health and local authorities should be determined. The Act contains three flexibilities which healthcare organisations and local authorities are able to use when organising joint working arrangements. These are as follows:
- *Delegation of Functions - Lead Commissioning:* Here the partners may agree that one partner will be assigned to act as the 'host' and to commission care services for the both of them (i.e. utilising the NHS budget and the LA budget alongside each other under single organisation management and according to a jointly agreed set of aims). The budgets would not be used to cross subsidise each other in any way but would be managed within a coordinated pattern of spend.
  - *Delegation of Functions - Integrated Provision:* Here the partners would agree that one partner will be assigned to act as the 'host' to manage services on behalf of both partners (directing the NHS service and the LA service alongside each other) as two teams say, under single overall management of the 'host' for a single agreed set of purposes confirmed by the partners.
  - *Pooled Budget (Lead Commissioning or Integrated Provision):* Here the partners choose to simply delegate the functions of one to the other for them to undertake on the other's behalf and to create a pooled budget to be operated by one of them for both. This means that they may create a discrete fund for the purposes

of the functions of both being met from the one single budget (made up of contributions from both), with the budget to be under the management of one of the partners.

2.2 It is proposed to continue to use the existing 'Delegation of Functions – Integration Provision' approach to continue with the delivery of integrated services.

### 3.0 **Proposed s75 Strategic Partnership Agreement**

3.1 The terms and conditions of the proposed Agreement have been jointly developed by both the Council and Manchester Foundation Trust and it builds on the previous s75 agreement between Trafford Council and Pennine. A Partnership Steering Group and Legal have provided oversight and leadership to this process.

3.2 The proposed Agreement establishes governance arrangements for the provision of services to Trafford's health and adult social care clients. The integrated model is well established and the proposed Agreement continues existing arrangements. There is a clear commitment from the Council and Manchester Foundation Trust to sustain the current model of integrated delivery and the proposed Agreement will ensure this is achieved in line with the stated commissioning intentions of Trafford Council and Trafford CCG.

3.3 The proposed partnership between the council and Manchester Foundation Trust will ensure integration of the Adult Social Care Operational Directorate with Trafford Division of the Manchester Local Care Organisation from 1<sup>st</sup> October 2019. This will allow better experience and improved outcomes for service users whilst also increasing efficiency across the system and ensuring effective population management to divert people from inappropriate admission to hospital and residential care. Integration clearly meets the needs of local residents who have repeatedly stated that their priority is seamless health and social care, delivered at the right time and the right place, as close to home as possible, based on patient experience. This integrated customer journey is at the heart of the health and social care integration project.

The key elements of the integration of the Adult Social Care Operational Directorate with Trafford Division of the Manchester Local Care Organisation are:

- Existing Services within the partnership to be delivered in line with agreed governance arrangements and in particular: Service Directory, Standard Operating Procedures and Business Continuity Plans
- Target Operating Model has been developed which prioritises neighbourhood based integrated care supporting the most vulnerable, giving them the best start in life and helping them to stay at home or have rapid access to any specialist services that they may need
- Services will be delivered within a 5 tiered model:
  - **Wellbeing and Prevention:** Based on community assets and strengths to enable people stay well and independent.
  - **Planned Care:** For those who require on-going routine and multidisciplinary care.

- **Intermediate Care:** For those who require bed based or rapid response care in their home to prevent a hospital admission, to help them be as independent as possible after a hospital admission or to prevent them moving to a residential or nursing setting until they really need to.
- **Urgent Care:** For those who require high quality urgent and emergency care.
- **Start Well:** Neighbourhood based services that provide children and young people with the best start in life.

3.4 The proposed Agreement will be commence on 1<sup>st</sup> October 2019 and this will be the point at which the delivery of community services transfer from Pennine to Manchester Foundation Trust. It is proposed to align the duration of the Agreement with the community health services contract which runs until October 2022. The legal terms and conditions within the Agreement describe the mechanisms to support this and the process and reasons for which any potential early termination could be considered.

3.5 The Schedules within the proposed Agreement provide the detail of the planned partnership approach. The Schedules are as follow:

- Sch 1 – List of services to be covered by the partnership agreement with indicative budgets.
- Sch 2 – Governance meetings terms of reference.
- Sch 3 – Information sharing protocol designed to facilitate the lawful sharing of data amongst health and care providers and commissioners to support the design and delivery of effective and efficient health and social care services.
- Sch 4 – Management and governance arrangements clarifying lines of accountability.
- Sch 5 – Clinical and professional management arrangements.
- Sch 6 – Risk management strategies for both parties.
- Sch 7 – Trafford Council long term plan and Manchester Foundation Trust target operating model.
- Sch 8 – Scheme of delegation for both parties.
- Sch 9 – Policy and procedural documents.
- Sch 9 – Performance indicators for both parties.
- Sch 10 – Workforce organisational strategy.

3.6 These schedules will develop during the period of the Agreement and as a minimum will be subject to annual review.

#### 4.0 **Governance Arrangements**

4.1 The proposed strategic partnership Agreement includes both the overarching governance and managements arrangements for the services included and the clinical/professional governance arrangements in place to ensure delivery of safe services.

4.2 The main vehicle for the oversight of the implementation of the Agreement and the delivery of safe and effective services will be a new Trafford Local Care Organisation

Executive . The draft terms of reference and membership of this Board are covered in Schedule 2 of the proposed Agreement. This Board will be accountable via the Corporate Director Adults and Wellbeing to the Trafford Council Executive and via the Managing Director to Trafford Local Care Organisation Executive.

4.3 The proposed Agreement and the governance structures outlined in it will enable three levels of decision making:

- decisions that statutorily can only be made by one of the partner organisations for decisions that each of the bodies wish to reserve to themselves;
- decisions that can be made 'jointly' through 'joint governance bodies' whereby the representatives of each of the partner agencies are delegated to make such decisions, which will need to be made by consensus between the representatives of each agency; and
- decisions delegated to the lead Director to enable the efficient day to day management of the integrated service. The lead Director for Adult Services is Trafford Council's Corporate Director for Adults and Well Being and the lead Director for Adults health Services is the Managing Director of Trafford Community Health services employed by Manchester Foundation Trust.

4.4 The full governance handbook with integrated management and governance structures is included as part of the proposed Agreement.

#### 5.0 **Other Options**

5.1 Deliver integrated services without a formal partnership agreement: There would be no legal basis to do this and the assurance provided for partner agencies would not in be secured. There are significant levels of risk to the Council associated with this option. This option is not recommended.

5.2 Return to delivering services on a single agency basis: The benefits of integrated delivery are well evidenced nationally and are currently operational within Trafford. Integrated services enable an efficient and effective use of resources to improve outcomes. It is also national policy direction to deliver services in an integrated basis, for these reasons this option is not recommended.

#### 6.0 **Consultation**

6.1 Consultation has been undertaken previously in relation to integration. There are no consultation requirements in respect of this report.

#### 7.0 **Reasons for Recommendation**

7.1 The current contractual arrangement with Pennine Care NHS Foundation Trust is due to expire imminently. To secure the future delivery of community health services in Trafford, this report seeks approval for the Council to enter into the proposed Agreement with a future delivery partner, Manchester Foundation Trust. The proposed Agreement will be commence on 1st October 2019 and this will be the point at which the delivery of community services transfer from Pennine to Manchester Foundation Trust.

7.2 The proposed Agreement will provide assurance and a legal framework for the proposed partnership with community health services to operate within.

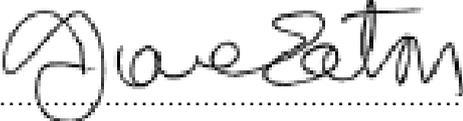
**Urgency of Decision**

This report should be considered as 'urgent business' and the decision exempted from the 'call-in' process for the following reason(s):

- Trafford Council Executive is scheduled for 30<sup>th</sup> September 2019 and the proposed Trafford Community Services Transfer is scheduled to commence 1<sup>st</sup> October 2019. The decision requires exemption from the 'call-in' process to enable the integrated service delivery model to continue legally and seamlessly on the 1<sup>st</sup> October under the Section 75 arrangements.

**Key Decision** (as defined in the Constitution): Yes  
**If Key Decision, has 28-day notice been given?** Yes

Finance Officer Clearance HZ  
Legal Officer Clearance DS

**CORPORATE DIRECTOR'S SIGNATURE** (electronic).....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.