

TRAFFORD COUNCIL

Report to: Executive
Date: 13 March 2023
Report for: Decision
Report of: Executive Member for Adult Social Care

Report Title

s75 Strategic Partnership Agreement for the integrated delivery of health and social care services in Trafford 2023/24

Summary

The original s75 partnership agreement has been in place since 1st October 2019. Trafford Council and Manchester University NHS Foundation Trust (MFT) made a commitment to periodically review and revise the partnership agreement to ensure the viability of the delivery of health and social care integrated services through the legal framework of a Section 75 under the National Health Service Act, 2006.

The report contains details of a proposal to review and refresh the current s75 Strategic Partnership Agreement between Trafford Council and MFT and to enter into a new s75 agreement for the integrated delivery of health and social care services in Trafford during 2023/24.

The report also provides details of a detailed holistic review of the s75 arrangements during 2023/24 with a view to a further new s75 agreement for 2024/25. The proposed review will align with the development of Trafford Local Care Organisation (TLCO) target operating model setting out a clear three-year vision for the LCO.

Recommendation(s)

- It is recommended that the Executive:**
- Approve the proposal to enter into a Section 75 Strategic Partnership Agreement for the integrated delivery of Health and Social Care services with Manchester University NHS Foundation Trust for 2023-24 as detailed in the report;
 - Delegate authority to the Executive member for Adult Social Care, in consultation with the Corporate Director Adults & Wellbeing and the Director of Legal and Governance to agree the revised terms and conditions of the Section 75 agreement for 2023-24;
 - Note the proposal to undertake a detailed holistic review of s75 arrangements during 2023/24 with a view to a further new s75 agreement for 2024/25. which will align with the development of Trafford Local Care Organisation (TLCO) target operating model setting out a clear three-year vision for the

LCO;

- Note that the renewal of the section 75 is a key enabling and strategic tool to develop closer working arrangement through 2023/24 and beyond.

Contact person for access to background papers and further information:

Name: Nathan Atkinson, Corporate Director, Adults & Wellbeing

Extension:1901

Background Papers:

- Proposal for a Strategic Partnership Agreement for Integrated Delivery of Health and Social Care between Trafford Council and Pennine Care Foundation Trust. October 2013.
- Proposal for a Strategic Partnership Agreement for Integrated Delivery of Health and Social Care between Trafford Council and Manchester University NHS Foundation Trust. October 2019.

Relationship to Policy Framework/Corporate Priorities	The Partnership Agreement will support the delivery of the following corporate priorities: <ul style="list-style-type: none"> • Reducing Health Inequalities • Supporting people out of poverty • Addressing Climate crisis
Relationship to GM Policy or Strategy Framework	Greater Manchester Health and Care partnership has been developed to build on previous work across Greater Manchester (GM) to support the integration of care and support ensuring a seamless and holistic approach to improving support to residents across GM.
Financial	Partner Agencies will retain budgetary responsibility for core functions and no financial implications have been identified. Integration including colocation is evidenced to lead to more efficient use of resources.
Legal Implications:	Legal framework for the proposed agreement is set out in Section 2 of this report and legal advice and guidance will be sought in respect of 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	Not Applicable for refreshed agreement
Risk Management Implications	Not Applicable for refreshed agreement
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 April 2013. This followed a tender process conducted through the integrated commissioning arrangements in place between the Council and the Primary Care Trust. 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 October 2013 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 community health services contract was extended for two years in April 2016 and in October 2018 Pennine Care NHS Foundation Trust served notice on the contract.
- 1.4 Trafford CCG, now Trafford Integrated Care Partnership, in conjunction with Trafford Council undertook a thorough and robust commissioning process and MFT was successfully awarded the contract to deliver community health services in Trafford from 1 October 2019.

- 1.5 As part of achieving formal integration a section 75 agreement was entered into between MFT and Trafford Council to facilitate the effective delivery of integrated health and adult social care. The section 75 agreement delegated certain functions to the Trafford Local Care Organisation (TLCO), to facilitate integrated service delivery. It was initially agreed that the s75 agreement would come into force on 1 October 2019 and run to 31 March 2023.
- 1.6 Trafford Council and MFT made a commitment to periodically review and revise and sign up to a new the partnership agreement to ensure the viability of continue the delivery of health and social care integrated services through the legal framework of a Section 75 under the National Health Service Act, 2006.
- 1.7 There is now a requirement to review and refresh the section to review and refresh the current s75 Strategic Partnership Agreement between Trafford Council and MFT and to enter into a new s75 agreement for the integrated delivery of health and social care services in Trafford during 2023/24.
- 1.8 A detailed holistic review of the s75 arrangements will be undertaken during 2023/24 with a view to a further new s75 agreement for 2024/25. The proposed review will align with the development of Trafford Local Care Organisation (TLCO) target operating model setting out a clear three-year vision for the LCO. This is in recognition that a material redraft of the section 75 must be underpinned by clarity of those functions that will be discharged through it.

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 can 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 ‘Delegation of Functions – Integration Provision’ approach to continue with the delivery of integrated services for the 2023/24 s75 Agreement.

3.0 **Refreshed Strategic Partnership Agreement for 2023/24**

3.1 The scope of the s75 agreement is TLCO health and social care services as outlined within schedule 1a and are as follows:

Adult Health Services	Adult Social Care Services
<ul style="list-style-type: none"> • Ascot House (Therapy & Nursing) • Bladder & Bowel • Clinical Prioritisation • Community Care Navigators • Community Enhanced Care (moving towards Trafford Community Response & Case Management) • Community Rehabilitation • District Nursing • District Nursing Equipment Team • Ear Care • Heart Failure Specialist Nurse • One Stop Resource Centre • Macmillan Wellbeing Centre • Macmillan Counselling Service • MSK • Community Stroke & Neuro-Rehabilitation Team & Parkinson Nurse • Nutrition & Dietetics • Phlebotomy • Podiatry • Pulmonary Rehabilitation • Single Point of Access & Admin • Specialist Palliative Care • Specialist Weight Management • Speech & Language • Treatment Rooms • X-Perf 	<ul style="list-style-type: none"> • Adaptations • Ascot House • Benefits & Advice, including Welfare Rights • Care at Home • Community Learning Disability Team (CLDT) • Community Social Work Teams (CSWT) • Deprivation of Liberty Safeguard (DoLS) • Direct Payments • Emergency Duty Team (EDT) • UCCR • Safeguarding Hub • Sensory Team • Supported Living

3.2 The Schedules within the current s75 agreement provide the detail of the planned partnership approach and will be thoroughly reviewed as part of the holistic review to take place during 2023/24.

3.3 Schedules currently included in the s75 agreement are as follows:

Schedules
<p><u>SCHEDULE 1 - LIST OF SERVICES COVERED BY THIS PARTNERSHIP AGREEMENT WITH INDICATIVE BUDGETS</u></p> <p>a – Services In scope b – Out of Scope Services c – Trafford Council & MFT Budgets</p>
<p><u>SCHEDULE 2 – TERMS OF REFERENCE</u></p> <p>a – TLCO Executive b - Integrated Management Meeting</p>

<p><u>SCHEDULE 3 – DATA SHARING</u></p> <p>a – Information Sharing Commitment</p>
<p><u>SCHEDULE 4 – MANAGEMENT, CLINICAL & PROFESSIONAL GOVERNANCE ARRANGEMENTS</u></p> <p>a – Adult Services – Electronic case file recording and record audit policy b – Adult Services – Supervision Policy c – Trafford Governance Handbook & Integrated Management Structure d – Joint Complaints Policy</p>
<p><u>SCHEDULE 5 - RISK MANAGEMENT</u></p> <p>a - Trafford Council Risk Management Strategy b - TLCO Risk Management Strategy</p>
<p><u>SCHEDULE 6- STRATEGIES</u></p> <p>a – TLCO Operational Plan b – Trafford Locality Plan</p>
<p><u>SCHEDULE 7 - SCHEMES OF DELEGATION</u></p> <p>a - Corporate Director of CFW’s Delegated Powers b – MFT Scheme of Delegation</p>
<p><u>SCHEDULE 8 – SERVICE STANDARDS</u></p> <p>a – Trafford and MFT Policies and Procedures b – Policy and Procedure Change Mechanism</p>
<p><u>SCHEDULE 9 – PERFORMANCE MANAGEMENT</u></p> <p>a – Adult Social Care performance indicators b – Trafford Community Services KPI’s</p>
<p><u>SCHEDULE 10 – LCO COMMS & ENGAGEMENT FRAMEWORK</u></p> <p>a – LCO Framework</p>
<p><u>SCHEDULE 11 – LCO PEOPLE PLAN</u></p> <p>a – LCO Priorities</p>

3.4 These schedules will be further reviewed and developed during the period of the 23/24 agreement.

4.0 Governance Arrangements

4.1 The main vehicle for the oversight of the implementation of the 23/24 s75 agreement and the delivery of safe and effective services will be the Integrated Management Board. This Board will be accountable via the Corporate Director Adults & Wellbeing and via the Managing Director to Chief Executive of Trafford Local Care Organisation and Chief Executive of Trafford Council.

4.2 The s75 Partnership Agreement 23/34 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 Corporate Director for Adults & Wellbeing and managing Director to enable the efficient day to day management of the integrated service.

5.0 **TLCO Target Operating Model (3year vision)**

- 5.1 A holistic review of the current partnership agreement will be informed through the development and delivery of the TLCO target operating model.
- 5.2 The vision for TLCO in 2023/24 is to make significant progress in integrating adults and children's community health and care services across the NHS and Trafford Council, the VCSE and independent care providers where appropriate, recognising that integration is a long-term aim and efforts will continue beyond the next 12 months.
- 5.3 **2023/24 TLCO focus** - The front-line integration of health and social care services in Neighbourhood Teams will be pursued in 2023/24, along with adoption of partnership approaches to budget setting and the design and delivery of services. Governance and decision making will also be integrated to facilitate this. All this will be driven by the health and social care needs of Trafford's population, understood through a Population Health Management approach, in alignment to the delivery of Trafford Locality plan. Achievement of these objectives will be unconstrained by organisational boundaries or competing organisational objectives and will aim to deliver financial sustainability over the long term.
- 5.4 TLCO will also look to explore opportunities to improve local health and social care services that arise through the clarification of service delivery responsibilities and use of resources with the Trafford Integrated Care Partnership.
- 5.5 By April 2024, the organisation will also be able to demonstrate a positive impact on the wider determinants of peoples' health that arise through integration, in areas such as health equity, educational attainment and economic prosperity.

Recommendation

It is recommended that the Executive:

- Approve the Section 75 Strategic Partnership Agreement for the integrated delivery of Health and Social Care services with Manchester University NHS Foundation Trust for 2023-24 as detailed in the report;
- Delegate authority to the Executive member for Adult Social Care, in consultation with the Corporate Director Adults & Wellbeing and the Director of Legal and Governance to agree the revised terms and conditions of the Section 75 agreement for 2023-24;
- Note the proposal to undertake a detailed holistic review of s75 arrangements during 2023/24 with a view to a further new s75 agreement for 2024/25. which will align with the development of Trafford Local Care Organisation (TLCO) target operating model setting out a clear three year vision for the LCO;
- Note that the renewal of the section 75 is a key enabling and strategic tool to develop closer working arrangement through 2023/24 and beyond.

Key Decision (as defined in the Constitution):

If Key Decision, has 28-day notice been given?

Finance Officer Clearance GB.....

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.