

HEALTH & ADULT SOCIAL CARE SCRUTINY PANEL

DATE	29 th November 2023
REPORT OF	Katie Brown Director of Adult Services
SUBJECT	Section 75 agreement between North East Lincolnshire Council and Humber and North Yorkshire ICB

CONTRIBUTION TO OUR AIMS

One of the Adult Social Care key strategic aims is through the North East Lincolnshire Health and Care Partnership (HCP) arrangements, build on the legacy of the North East Lincolnshire Council (NELC)/ CCG Union arrangements, joining up Health and Social Care provision in a way that provides better support and care and makes best use of resources.

EXECUTIVE SUMMARY

North East Lincolnshire NHS and North East Lincolnshire Council (NELC) have a long and strong history of joint working, which started in 2004 and has been further developed over time.

The ICB and NELC have been working together to build new relationships, understanding and the right conditions to support the establishment of a formal partnership agreement (section 75) that will support the continued integration of health and social care in NEL.

It is proposed that a Joint Committee will oversee the partnership agreement with its membership drawn from the ICB and NELC. The operating model that support the Joint Committee is already in place supported by the ICB place team many of whom are joint appointments across health and social care.

These arrangements will ensure that both the ICB and council are assured that they are able to effectively discharge their statutory duties, via the delegation to NEL Place.

This report is therefore seeking approval in principle from the Board for the establishment of a formal partnership agreement between the ICB (Health) and NEL Council, using the current legal 75 legal framework to do this, the initial scope of the agreement would include approximately £162m of ICB resources and £55m of NELC resources (Health and Adult Social Care) and the functions associated with the delivery of this.

It is proposed that the formal partnership agreement be in place and operational from 1st April 2024, and there is already a group of staff from across the ICB and NELC working on the detail of the agreement.

MATTERS FOR CONSIDERATION

The panel is asked to note the report ahead of its presentation to Cabinet on the 20th December 2023.

The panel is asked to decide on the oversight it requires of the Section 75 agreement at future scrutiny meetings as it progresses to full implementation in April 2024.

REASONS FOR DECISION

North East Lincolnshire has an established and long standing history of integration between health and social care. The introduction of Integrated Care Boards in July 2022 meant that a revised and temporary Section 75 arrangement was put in place to enable the continuation of the North East Lincolnshire arrangements whilst the long term governance arrangements were agreed and established. The paper outlines the route to establishing the new Section 75 governance arrangements.

1. BACKGROUND AND ISSUES

- 1.1 North East Lincolnshire Health and North East Lincolnshire Council (NELC) have a long history of working together, with formal partnership arrangements first being established in 2004 around Mental Health Services, this was followed in 2007 by more comprehensive partnership arrangements covering Health, Adult Social Care, Public Health and Childrens Services.
- 1.2 The arrangements in place have been amended over time to reflect the changes in legislation relating to health and care with the last amendment to the partnership arrangement taking place in June 2022 immediately prior to the formal establishment of the ICB.
- 1.3 NELC and the Integrated Care Board (ICB) are now working together to re-establish the partnership arrangements that were in existence prior to the 1st July 2022, which brought together the Health and Adult Social Care resources to enable joint strategic, operational and financial planning, joint decision making, and joint policy development, all supported by single contracting and performance processes.
- 1.4 As and when regulations allow, there is an ambition to go further with the partnership arrangements to support an even more integrated approach to population health and health improvement, incorporating more work around the wider determinants of health and children's services.
- 1.5 There is already an established operating model in North East Lincolnshire, and the majority of staff at place are joint appointments working across health and adult social care.
- 1.6 The proposed arrangements take full account of North East Lincolnshire Councils constitution and ICB operating framework, 6 places, 5 collaboratives and one the North East Lincolnshire Health and Care Partnership .
- 1.7 NELC and the ICB have jointly appointed Legal advice via Beechcroft's to support the development of the formal section 75 partnership agreement.

- 1.8 NELC has identified key officer leads to work with the operational place and governance teams from the ICB to progress the proposal at place.
- 1.9 The aim is to have the new section 75 agreement in place with effect from 1st April 2024, with NELC and the ICB working in shadow form from January 2024
- 1.10 Integrated working is a key strategic aim of NELC's Strategic plan and the ICB's operating model. Integration at place is essential to ensure that the cross-sector partners are working together in the best interests of the population to deliver services in the most effective and efficient ways possible.
- 1.11 There was a joint presentation at the October ICB Board Development Day on the proposition to take forward a more formal approach to integrated working in NEL Place between the ICB and Council, which would in turn work with the providers in place to maximise the benefit of joint working.
- 1.12 Principles were proposed to help shape and define the size of the agreement and the delegation to place. Using those principles the latest estimate of the financial delegation by each partner would be £162m from the ICB and c.£60m from the NELC (subject to the 2024/25 budget setting process). This would include the function associated with the budget being managed, where appropriate at place.
- 1.13 A summary of benefits from a financial, quality and performance perspective that have already been seen in NEL place from joint working have been shared.
- 1.14 Feedback from the ICB Board Development discussion was positive with an appetite to go further as other areas for joint working were identified.

2. RISKS AND OPPORTUNITIES

- 2.1 The existing and proposed governance and operational arrangements mitigate the majority of risks regarding a deterioration in finance, performance and the quality of services.
- 2.2 The main risk would be from having to uncouple those existing arrangements if a new partnership agreement cannot be agreed. NELC and the ICB are working together to develop the proposed partnership agreement, so any future areas of disagreement and risk are mitigated.
- 2.3 This arrangement is unique and potentially the first of its kind nationally since the introduction of ICB's and whilst this is a significant opportunity, given the challenges experienced both within the NHS and Adult Social Care the potential risks need to be clearly mitigated in the schedules of the arrangement.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 3.1 The development work is being undertaken in partnership with NELC and with the support of the Health and care providers as stakeholder partners.
- 3.2 No specific engagement with the public has been undertaken or is planned as this is predominantly a governance proposal. However once established the

Joint committee will ensure engagement with the public as part of its ongoing work to improve services and outcomes. There is a genuine commitment to co-production across the Health and Care Partnership. Some recent examples of how this is already happening would be the recent development of the NEL place Mental Health strategy which was led by experts by experience and the co-production of the Carers Strategy.

4. FINANCIAL CONSIDERATIONS

The Section 75 formally delegates the Adult Social Care budget into a pooled arrangement with the ICB under the governance of the Joint Committee.

The details of the financial governance arrangements will be clearly specified in the main body and schedules of the Section 75 arrangement which will be presented to cabinet in March 2024.

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

Currently there are no implications for children's services although there is the ambition in time to progress integration in mutually agreed areas of children's services.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

As this is a decision relating to the governance arrangements for health and social care there are no foreseen negative environmental impact.

7. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring comments have been sought at this stage from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

8. WARD IMPLICATIONS

The Section 75 agreement defines the delivery of Health and Social Care across all wards in North East Lincolnshire

9. BACKGROUND PAPERS

The ICB Board paper agreed on the 8th November 2023. Further documents will be presented to Cabinet in March 2024 which will include the Main Body and Schedules of the proposed Section 75 agreement.

10. CONTACT OFFICER(S)

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