

**NEW FRAMEWORK PARTNERSHIP AGREEMENT WITH THE GLOUCESTERSHIRE CLINICAL COMMISSIONING GROUP FOR THE COMMISSIONING OF HEALTH AND SOCIAL CARE SERVICES**

<b>Cabinet Date</b>	11 March 2020
<b>Adult Social Care Commissioning</b>	Cllr Carole Allaway-Martin
<b>Key Decision</b>	Yes
<b>Background Documents</b>	<p>A report seeking authorisation to enter into the existing framework partnership agreement (pursuant to Section 75 of the National Health Service Act 2006) relating to the commissioning of health and social care services between Gloucestershire County Council and Gloucestershire Clinical Commissioning Group went to Cabinet on the 3rd February 2016. The report can be found here:  <a href="https://glostext.gloucestershire.gov.uk/documents/s27700/Item%2012%20-%20Section%2075%20Agreement.pdf">https://glostext.gloucestershire.gov.uk/documents/s27700/Item%2012%20-%20Section%2075%20Agreement.pdf</a></p> <p>A recommendation to extend the term of such Agreement until 31<sup>st</sup> March 2020 was approved by Cabinet on the 31<sup>st</sup> January 2018. The report can be found here:  <a href="https://glostext.gloucestershire.gov.uk/documents/s43526/Item%2010%20-%20Section%2075%20Agreement.pdf">https://glostext.gloucestershire.gov.uk/documents/s43526/Item%2010%20-%20Section%2075%20Agreement.pdf</a></p>
<b>Location/Contact for inspection of Background Documents</b>	Via the links above.
<b>Main Consultees</b>	Gloucestershire Clinical Commissioning Group Joint Commissioning Partnership Executive
<b>Planned Dates</b>	<p>Cabinet decision – 11<sup>th</sup> March 2020</p> <p>The proposed renewed Agreement will be for an initial period of three years (commencing 1<sup>st</sup> April 2020) and will include an option to extend such period by two further years (expiring 31<sup>st</sup> March 2025).</p>
<b>Divisional Councillor</b>	All
<b>Officer</b>	Margaret Willcox: Executive Director Adults Social Care Telephone: 01452 328468 email: <a href="mailto:margaret.willcox@gloucestershire.gov.uk">margaret.willcox@gloucestershire.gov.uk</a>
<b>Purpose of Report</b>	To seek approval for Gloucestershire County Council to enter into a new framework partnership agreement (pursuant to Section 75 of the National Health Service Act 2006) with Gloucestershire Clinical Commissioning Group relating to the commissioning of health and social care services (the “ <b>Section 75 Agreement</b> ”).
<b>Recommendations</b>	<p>It is recommended that:</p> <p>Cabinet delegates authority to the Executive Director Adults Social Care in consultation with the Executive Director Childrens Services and the Executive</p>

	<p>Director Corporate Resources to enter into a new Section 75 Agreement with Gloucestershire Clinical Commissioning Group. This Agreement shall commence on the 1<sup>st</sup> April 2020, continue for an initial period of three years and include an option to extend its term by two further years.</p>
<p><b>Reasons for recommendations</b></p>	<p>Joint working with Gloucestershire Clinical Commissioning Group remains integral to Gloucestershire County Council's commissioning strategies across both Adults and Childrens services.</p> <p>The existing Section 75 Agreement is due to end on the 31<sup>st</sup> March 2020. Should the Agreement not be renewed, there are financial risks including not having a governance document in place to cover a current value of £163.871 million (including the Better Care Fund and Improved Better Care Fund) of joint commissioned activity with Gloucestershire Clinical Commissioning Group. It is a requirement of the Better Care Fund and the Improved Better Care Fund that this funding is covered by a Section 75 Agreement. In addition, the External Auditors for Gloucestershire County Council and Gloucestershire Clinical Commissioning Group (Grant Thornton for both organisations) are likely to be critical if we do not have a section 75 Agreement in place from 1<sup>st</sup> April 2020.</p>
<p><b>Resource Implications</b></p>	<p>There are no additional resource implications as all services commissioned under the arrangements set out in the Section 75 Agreement will have to be delivered within resources already agreed and managed through the Council's internal governance processes.</p>

## MAIN REPORT CONTENTS

### Background

1. Section 75 of the National Health Service Act 2006 consolidated Section 31 of the Health Act 1999 and in so doing became the statutory authority both for the continuation of existing partnership agreements between Health and the Council and for any new such agreements entered into. The section provides for designated Health and Social Care bodies to act on each other's behalf in the commissioning or delivery of services for people for whom there is a shared responsibility.

### Current Position

2. Gloucestershire County Council and Gloucestershire Clinical Commissioning Group have an existing Section 75 Agreement in place which will expire on 31<sup>st</sup> March 2020. Therefore Cabinet approval is sought for Gloucestershire County Council and Gloucestershire Clinical Commissioning Group to enter into a new Section 75 Agreement which will be for an initial period of three years (commencing 1<sup>st</sup> April 2020) and will include an option to extend such period by two further years (expiring 31<sup>st</sup> March 2025).

3. The investment in the current Section 75 Agreement helps to demonstrate the close partnership between the Council and the Clinical Commissioning Group. This positive relationship enables integrated working to flourish, improves outcomes for people, and underpins Gloucestershire's development as an Integrated Care System.

4. The value of services commissioned by the Council and Gloucestershire Clinical Commissioning Group pursuant to the arrangements set out in the existing Section 75 Agreement for the period 2019/2020 equals £163.871 million. This includes support and services for Adult Carers, Adult Mental Health pathways, Continuing Healthcare, Community Equipment, Child and Adolescent Mental Health pathways and Occupational Therapy. The Agreement for 2019/20 also includes the Better Care Fund and Improved Better Care Fund which fund a range of schemes, services and projects commissioned by both parties.

5. Officers across both organisations have been working closely together to update the existing Section 75 Agreement. This work has been overseen by the Joint Commissioning Partnership Executive.

### Going Forwards

6. A decision to enter into a new Section 75 Agreement will ensure that partnership working between Gloucestershire County Council and Gloucestershire Clinical Commissioning Group continues to mature, and joint commissioning arrangements continue to build on the success achieved to date in respect of the parties' integrated functions and methodologies.

### Options

7. There are two options. **Option a** is recommended.

a) To enter into a new section 75 Agreement, for the reasons set out in this report.

b) To not enter into a new section 75 Agreement. This would mean that Gloucestershire County Council would not have the appropriate governance document in place to cover £163.871 million (including the Better Care Fund and Improved Better Care Fund) of joint commissioned activity with Gloucestershire Clinical Commissioning Group. It is a requirement of the Better Care Fund and the Improved Better Care Fund that this funding is covered by a Section 75 Agreement. In addition the External Auditors for Gloucestershire County Council and Gloucestershire Clinical Commissioning Group (Grant Thornton for both organisations) are likely to be critical if we do not have a Section 75 Agreement in place from 1<sup>st</sup> April 2020.

**Risk Assessment**

8. As part of the review of the Section 75 Agreement the Terms of Reference for the Joint Commissioning Partnership Executive and the Joint Commissioning Partnership Board have been refreshed and strengthened, thereby reducing any risk to the Council. Any proposals to add further commissioning arrangements to the proposed Section 75 Agreement in relation to additional jointly commissioned services will require their own individual risk assessment.

**Equalities considerations**

9. An overarching due regard statement is not required as individual services commissioned under the Section 75 Agreement will themselves be subject to individual due regard statements as and when appropriate.

**Consultation feedback**

10. Individual service areas included within the framework agreement will have been consulted on with relevant service users and other stakeholders or their representatives. The Section 75 Agreement itself has only been discussed between Gloucestershire County Council and Gloucestershire Clinical Commissioning Group.

**Performance Management/Follow-up**

11. The overarching arrangements are set out within the Section 75 Agreement which includes a requirement for Joint Funding Finance Reports to be submitted monthly to the Joint Commissioning Partnership Executive and the Joint Commissioning Partnership Board. The Health and Wellbeing Board encourages integrated working between health and social care, and will therefore receive updates as requested on specific areas of interest. Ultimate responsibility lies with the Cabinet. Service specific requirements are contained within the individual service schedules to the section 75 Agreement.

<b>Report Title</b>	Authority to enter into a new framework partnership agreement with Gloucestershire Clinical Commissioning Group (pursuant to Section 75 of the National Health Service Act 2006) relating to the commissioning of health and social care services.
<b>Statutory Authority</b>	Section 75 of the National Health Service Act 2006
<b>Relevant County Council policy</b>	Gloucestershire Looking to the Future 2019 - 2022
<b>Sustainability checklist:</b>	
Partnerships	Joint Commissioning Partnership Executive and Joint Commissioning Partnership Board.
Decision Making and Involvement	Joint Commissioning Partnership Executive and Joint Commissioning Partnership Board.
Economy and Employment	Commissioning through the Section 75 Agreement will provide opportunities for local employment.
Caring for people	The Section 75 Agreement underpins a collaborative approach across Health and Social Care to support people's health and wellbeing.
Social Value	Working in partnership with Gloucestershire Clinical Commissioning group ensures that Gloucestershire County Council maximises the social, economic and environmental benefits to the local area, thereby ensuring Gloucestershire is a great place to live, work and do business.
Built Environment	No Significant Implications
Natural Environment' including Ecology (Biodiversity)	No Significant Implications
Education and Information	As described in specific service schedules
<b>Tackling Climate Change</b>	Carbon Emissions Implications?      Neutral Vulnerable to climate change?      No
<b>Due Regard Statement</b>	Has a Due Regard Statement been completed?      No
<b>Human rights Implications</b>	None
<b>Consultation Arrangements</b>	Gloucestershire Clinical Commissioning Group Joint Commissioning Partnership Executive