CABINET

Transition of Public Health Responsibilities from NHS Oldham to Oldham Council

Report of Executive Director People Communities and Society

Portfolio Holder: Councillor Phil Harrison, Adult Social Services and Health

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Purpose of Report

This is an update to the Cabinet on three aspects of the transition of public health responsibilities from NHS Oldham to Oldham Council.

• Draft Public Health Transition Plan
• Memorandum of Understanding to cover the sharing of responsibility during the transition year.
• Current indicative financial allocation to Oldham Council public health budget.

Recommendations

Cabinet is asked to note:

• Progress with the Public Health Transition Plan.
• The Memorandum of Understanding setting out how public health will continue to function during the transition year of 2012/13
• The current estimated financial allocation to Oldham Council for the public health budget
Transition of Public Health Responsibilities from NHS Oldham to Oldham Council

1  Background

1.1 The Health and Social Care Bill is continuing to make progress through parliament. Under the Bill responsibility for improving health and wellbeing and for public health functions will be transferred from the NHS to local government. The Cabinet previously received a report on January 3rd 2012 setting out the model of working to develop a council led public health function.

1.2 Good progress is being made with management of the transition of the public health service from NHS Oldham to Oldham Council. The whole of the public health team moved into the Oldham Civic Centre on 30th January 2012 and integration into the council work structure is proceeding.

1.3 Although 2012/13 is regarded as the year of transition and the plan will be implemented in that time it is clear that there is an expectation from Department of Health that the majority of the elements of transition will be in place by October 2012.

1.4 In managing the transition process the council is adopting an approach that will seek to clarify the financial, contractual and human resources issues inherent to this process and to apply appropriate diligence to the resolution of such issues in the form of a Business Transfer Agreement. Oldham Council is also engaged in discussion with AGMA to consider sharing public health capacity across Greater Manchester.

2  Current Position

2.1 Draft Public Health Transition Plan

A plan to manage the transition of public health responsibilities to local government is required for agreement between each individual council and NHS Greater Manchester. The final plan is to be forwarded to NHS Greater Manchester by 26th March and then onwards to the Department of Health.

A management structure has been identified in Oldham to ensure the plan is written and agreed within the appropriate time. This includes a Transition Oversight Group with senior representation from the Council and the Primary Care Trust and a Transition Steering Group with managerial input appropriate to the writing of the plan and to its implementation following approval.

A draft plan for Oldham was drawn up again a checklist identified by Department of Health and submitted on 20th January for assessment by NHS North of England. Feedback on the progress of the Oldham draft plan was received on 10th February. In common with all draft plans across Greater
Manchester the Oldham plan was rated amber which reflected expected progress to date.

The feedback identified a number of areas where further detailed work is required. These are:

- Developing the core offer of providing public health advice to NHS Commissioners.
- Further detail around wider health protection issues and links to the Health Protection Agency.
- Further work is needed on developing infrastructure - ensuring there is sufficient capability and capacity to deliver the public health plan, handover of public health contracts, plan for legacy handover etc.
- Communications plan is being developed but further detail on the engagement plan is required.

The work of the Transition Operational Group and Oversight Group is focused on the above areas and others identified in the feedback. The intention is to have a final plan for approval by the Executive Management Team on 20th March 2012.

2.2 *Memorandum of Understanding (MoU)*

A key assurance required in the transition plan is to have an agreed set of arrangements as to how the public health system will operate during 2012/13 in readiness for the statutory transfer in 2013. In Oldham a Memorandum of Understanding has been drafted and agreed between the Chief Executive of Oldham Council, Accountable Officer for the CCG and Managing Director of Oldham Locality PCT to confirm this set of arrangements. The assessment from the NHS North of England ranked Oldham as green for this requirement.

The cabinet is asked to note the content of the MoU which is attached as appendix one.

2.3 *Public Health Budget - Financial Allocation to Oldham Council*

In February 2012 the Department of Health announced the estimate of the allocation to Oldham Council for the ring fenced public health budget. The Department of Health made the information available on the understanding that it is an estimate at this stage and further analysis is needed before 2013/14 allocations can be set. However the estimate will support initial planning in Councils and Clinical Commissioning Groups.

The estimated allocation to Oldham for the shadow year of 2012/13 is £9.3 million. Elected Members will be aware that this allocation is to support the provision of a number of mandated services on public health and that the resource is currently in use to commission a range of services including smoking cessation, community development, alcohol and drug misuse services amongst others. It is our intention during 2012/13 to review these
commitments with the intention to achieve greater effectiveness and efficiency from 2013 onwards.

3 Options/Alternatives

3.1 We are required as part of the Health and Social Care Bill to produce formal transition plans for Public Health agreed between the local PCT and the Council and therefore we have no alternative or option but to do this.

4 Consultation

4.1 In relation to the plan key people have been consulted with including key people from Council, PCT, CCG, Public Health and Health and Well Being Board.

5 Financial Implications

5.1 The Government has given Oldham Council an indicative allocation of £9,306,000 to fund the services being transferred. This allocation has been based on a return submitted to the Department of Health by NHS Oldham.

Agreement has been reached with NHS Oldham to carry out due diligence work in May 2012, following the closure of their accounts. Until this work has been completed it cannot be determined whether this allocation will be adequate.

The due diligence work will need to explore a number of potential risks to the Council, particularly around the existing contracts and terms and conditions that NHS Oldham hold for providing Public Health services which may need to be transferred to the Council, the intended allocation for overheads, any areas of potential budgetary pressures, budget variance analyses, any whole year effects of initiatives, demand, trend or demographic impacts, change management and terms and conditions by way of example. (Mel Creighton)

6 Legal Services Comments

6.1 A Business Transfer Agreement will be required which will reflect a number of areas such as budgets, assets, contracts assigned and TUPE issues. These matters will be informed by the due diligence process. (Paul Entwistle).

7 Cooperative Agenda

7.1 The transfer of Public Health to the Council will enable the focus on the Public Health Agenda being delivered through a neighbourhood working arrangement.
Human Resources Comments

8.1 HR have been consulted on the proposals. TUPE will apply to those staff affected and therefore the Council must ensure that the obligations under the legislation are met. It is too early to say at this moment in time the full implications, however any measures will be identified as part of the due diligence process (Emma Gilmartin)

Risk Assessments

9.1 The work to better assess the risks to be managed from the transfer of Public Health to the Council is at an early stage. The intention for 2012-13 is to set up an officer group consisting of all disciplines to consider risk and report the Risk Register produced for the transition plan to the Audit Committee at regular intervals. (Mark Stenson)

IT Implications

10.1 None at this stage

Property Implications

11.1 None at this stage

Procurement Implications

12.1 None at this stage

Environmental and Health & Safety Implications

13.1 None

Equality, community cohesion and crime implications

14.1 None

Equality Impact Assessment Completed?

15.1 No

Key Decision

16.1 No

Forward Plan Reference

17.1 N/A.
18  Background Papers
18.1  None
19  Appendices
19.1  Appendix 1 - Memorandum of Understanding