

Report to CABINET

Establishment of a Commissioning Partnership Board

Portfolio Holder:

Councillor Chauhan, Cabinet Member for Health and Social Care

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Reason for Decision

Cabinet is asked to approve the establishment of a Joint Committee of Oldham Council and Oldham Clinical Commissioning Group (Commissioning Partnership Board) under Regulation 10 (2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. This will enable the Council and the CCG as the Commissioning Partnership Board, to manage and monitor the S.75 NHS Act 2006 agreement.

Recommendations

1. To approve the establishment of a Joint Committee of Oldham Council and Oldham Clinical Commissioning Group (Commissioning Partnership Board) under Regulation 10 (2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, to undertake Executive functions within the Boards proposed Terms of Reference.
2. To delegate authority to undertake joint commissioning functions that are Executive functions to the Commissioning Partnership Board within the procedures set out in the terms of reference, supporting section 75 agreement(s) that will enable a scaling up of the integration of health and care commissioning in Oldham.
3. To agree the terms of reference of the Commissioning Partnership Board as set out at appendix 1.
4. To agree that the Membership of the Board consist of:
 - Leader of the Council, Cabinet Member for Economy and Enterprise
 - Statutory Deputy Leader of the Council, Cabinet Member for Neighbourhoods
 - Cabinet Member for Children's Services
 - Cabinet Member for Health and Social Care

Establishment of a Commissioning Partnership Board

1 Background

- 1.1 Oldham Council and Oldham CCG have been working closely together for a number of years to ensure there is alignment and the necessary interdependencies exist between the two organisations' commissioned services.
- 1.2 This has been performed by the Integrated Commissioning Partnership. This group of senior officers from both organisations has been the key decision forum for the coordinating of commissioning decisions involving the two organisations.
- 1.2.1 In order to drive development and improvements to the way health and care services are commissioned and delivered in the borough of Oldham, creation of the new arrangements needed to be considered in a wider whole system context due to the interdependencies.
- 1.2.2 Cabinet on the 28th February 2018 agreed the following recommendations:
- The establishment of the Commissioning Partnership Board, in shadow form, which was to become the joint committee between the Council and the CCG.
 - The proposed section 75 agreement for Commissioning Partnership Board that would enable a scaling up of the integration of health and care commissioning in Oldham.
 - The proposed early areas for integrated commissioning, which the Commissioning Partnership Board would focus on in 2018/19 and use to test how effective the new system was before further budgets and responsibilities are added in to the Section 75 agreement in future years.
 - Developemnt of Oldham Cares, Single Commissioning Function.
- 1.2.3 As stated in the NHS Act 2006, a Section 75 agreement allows the pooling of funds where payments may be made towards expenditure incurred in the exercise of any NHS or 'health-related' local authority functions.
The Single Accountable Officer will be accountable for this new S.75, and it will be managed and monitored by the Commissioning Partnership Board.

2 Current Position

- 2.1 Since the Cabinet agreed the recommendations detailed above, further work has been undertaken by the Council and CCG colleagues to develop a terms of reference for the Commissioning Partnership Board and those terms are attached at appendix one to this report for Cabinet to consider.
The composition of the Commissioning Partnership Board is the core and advisory members made up of officers and members from the CCG and the Council, in post from time to time.
- 2.2 The suggested Council Membership of the Board and core voting Members are:
- Leader of the Council, Cabinet Member for Economy and Enterprise
 - Statutory Deputy Leader of the Council, Cabinet Member for Neighbourhoods
 - Cabinet Member for Children's Services
 - Cabinet Member for Health and Social Care

There will be delegated substitutes in the absence of Core members to ensure appropriate representation from the Council on Board and substitutes will also help to manage any conflict of interest if this arises.

2. The role of Chair of the Commissioning Partnership Board will be shared by the Governing Body Lay Chair and the Cabinet Member for Health and Social Care. This will be by way of alternative meetings unless otherwise mutually agreed between the Chairs. Should neither Chair be available for the meeting then a deputy Chair will be nominated from the joint deputies.
- 2.4 Oldham Council and Oldham Clinical Commissioning Group will continue to exist and be ultimately accountable for the discharging of their statutory functions. The Commissioning Partnership Board will be a joint committee of the Council and Clinical Commissioning Group.
- 2.5 This body will report back on a regular basis to the Council's Cabinet, CCG Governing Body and the Oldham Health & Wellbeing Board. The Board will be supported by a joint commissioning team.

3 **Options/Alternatives**

- 3.1 Option 1 – The establishment of a Commissioning Partnership Board with delegated functions to take responsibility for the management of partnership arrangements in accordance with such s.75 agreements that the CCG and the Council may from time to time agree.

Option 2 –The commissioning arrangements remain separate, split between the two organisations with separate decision-making.

4 **Preferred Option**

- 4.1 Option 1 – The establishment of a Commissioning Partnership Board with delegated functions to take responsibility for the management of partnership arrangements in accordance with such s.75 agreements that the CCG and the Council may from time to time agree.

5 **Consultation**

- 5.1 Consultation has been undertaken with both Oldham Council and Oldham Clinical Commissioning Group.

6 **Financial Implications**

- 6.1 The Commissioning Partnership Board will oversee the bringing together of in scope budgets of the CCG and OMBC. This will work within an aligned structure where each partner will retain control of its own budget but with the aim of increasing the effectiveness of spending throughout the economy as a whole. The operation of the aligned budget structure will be underpinned by a S75 agreement building on the agreement that is already in place primarily for Better Care Fund resources.
- 6.2 VAT advice is currently being sought to ensure that any expenditure incurred under this new way of working is as tax-efficient as possible and does not impose additional, unrecoverable costs to any partner in the economy.(Anne Ryans)

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- 7 **Legal Services Comments**
- 7.1 The Commissioning Partnership Board (Joint Committee of Oldham Council and Oldham Clinical Commissioning Group) will be established pursuant to the NHS Bodies and Local Authorities Partnership Regulations 2000 as amended, and derives its authority and decision-making powers from these two organisations. The Integrated Commissioning Board is established as joint committee under Regulation 10 NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (as amended) whereby prescribed NHS bodies and local authorities may form such a joint committee to take responsibility for the management of partnership arrangements established in accordance with that Order.
- 8 **Human Resources Comments**
- 8.1 n/a
- 9 **Risk Assessments**
- 9.1 The proposals set out in the report are a way to manage the risk of duplication in decision-making as the two organisations become aligned (Mark Stenson).
- 10 **IT Implications**
- 10.1 N/A
- 11 **Property Implications**
- 11.1 N/A
- 12 **Procurement Implications**
- 12.1 N/A
- 13 **Environmental and Health & Safety Implications**
- 13.1 N/A
- 14 **Equality, community cohesion and crime implications**
- 14.1 N/A
- 15 **Equality Impact Assessment Completed?**
- 15.1 No
- 16 **Key Decision**
- 16.1 No
- 17 **Key Decision Reference**
- 17.1 N/A
- 18 **Background Papers**
- 18.1 Attached as Appendices
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20 **Appendices**

- 20.1 Appendix 1 - The Commissioning Partnership Board Terms of Reference
Appendix 2 – Cabinet Report 28th February 2018 - Development of Oldham Cares: Single Commissioning Function