



DECISION TITLE: Section 75 Agreement for the commissioning and provision of health related services for people with learning disabilities
Councillor Fitzgerald, Cabinet Member for Adult Social Care
January 2015
Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Councillor Wayne Fitzgerald, Cabinet Member for Adult Social Care Wendi Ogle-Welbourn, Director of Commissioning
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/06JAN 15/04
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	N/A

RECOMMENDATIONS

The Cabinet Member is recommended to:

1. Authorise the Executive Director of Adult Social Services (“DASS”) in consultation with the Executive Director of Strategic Resources on behalf of the Council (PCC), to enter into a new Section 75 agreement on behalf of the Cambridgeshire and Peterborough Clinical Commissioning Group (CPCCG) for the commissioning and provision of specialist health related learning disability services in line with the lead commissioning arrangements for Learning Disabilities outlined under Government guidance: Valuing People Now (2008) following the expiry of the current Section 75 Agreement on 31st March 2015.

1. SUMMARY OF MAIN ISSUES

- 1.1 This Cabinet Member Decision Notice is for the Cabinet Member for Adult Social Care to consider extending the current arrangements for the commissioning and provision of health related services for people with learning disabilities by entering into a further 3 year Section 75 Agreement. The agreement will provide for a possible extension for a further 2 years at the discretion of the Council.

- 1.2 The current arrangements were put in place following the Cabinet Decision on Transforming Community Services dated 20th December 2010 and the Cabinet Member Decision Notice dated 12 December 2011 entitled "Section 75 Agreement with Cambridgeshire Community Services" and on 1st February 2012 PCC entered into a Section 75 agreement with NHS Peterborough (CPPCG after 1st March 2013) for a term of 37 months expiring 31st March 2015.
- 1.3 Following the 2010 Cabinet decision, the DASS carried out extensive discussions within the Council, with NHSP and with other potential partners and stakeholders in any new structure and received external legal advice on different partnership options before deciding to enter into the current Section 75 Agreement. In these discussions a range of options were considered for restructuring the affected services, taking into account the simplicity of operation and the portability and flexibility for the future as primary care trusts, including NHSP which ceased to exist from 1st April 2013.
- 1.4 The CPCCG currently delegates to the Council pursuant to Section 75 of the National Health Service Act 2006 the exercise of its functions in relation to the commissioning and provision of the Learning Disabilities Services.
- 1.5 Annual costing of the new Section 75 Agreement will be £965,886 over the initial 3 year period and a total £2,897,658 at Current Funding Level. The Section 75 agreement is cost neutral for the Council as it recovers from the CPCCG to cover the staffing and costs identified below.

DETAIL	W.T.E	Pay	Non Pay	Total
		£	£	£
<u>Lyons Gardens Contract</u> - Health Element of the contract with Hereward Care			399,000	399,000
<u>LD Nursing Service</u> - Salary and associated costs relating to the LD Nursing Team	5.75	210,124	22,239	232,363
<u>LD Occupational Therapy Service</u> - Salary and associated costs relating to the LD Occupational Therapy Team	2.15	68,469	2,447	70,916
<u>LD Speech and Language Service</u> - Salary and associated costs relating to the LD Speech and Language Team	4.50	134,951	24,884	159,835
<u>Administration Cost</u> - Costs of Administration to Support the Nursing, OT and SALT Teams	1.63	30,762	0	30,762
<u>Overhead Costs</u> - Costs of Accommodating the S75 Teams, Included all premises related and support costs			41,193	41,193
<u>Commissioning Cost</u> - Salary Costs of the LD Contract Support Officer	1.00	31,817	0	31,817
TOTAL	-----	-----	-----	-----
	15.03	476,123	489,763	965,886

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Adult Social Care (Councillor Wayne Fitzgerald) to consider exercising delegated authority under paragraph 3.4.1 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (e).
- 2.2 The purpose of the report is to provide additional background information with regard to the current Section 75 Agreement for learning disabilities health services in Peterborough which have been provided by the Council since 1 February 2012 and the continuation of these arrangements under a new Section 75 Agreement commencing 1 April 2015.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. DETAILS OF DECISION REQUIRED

- 4.1 That the Cabinet member approves the recommendation to enter into a new Section 75 Agreement from 1 April 2015 in order that the Council will continue to be responsible for the provisioning and commissioning of Learning Disability Services as lead commissioner.

5. CONSULTATION

- 5.1 The Section 75 Agreement is overseen by the Section 75 Learning Disability Commissioning Board which is comprised of senior Council and CPCCG Officers, and a family carer and self-advocate representatives from the Learning Disability Partnership Board. The consultation has been held with the Section 75 Learning Disability Commissioning Board to ensure that the new Section 75 Agreement is effective, efficient, economic and ethical.

6. ANTICIPATED OUTCOMES

- 6.1 That approval is given to enter into a Section 75 Agreement and that the CPCCG delegates to the Council pursuant to Section 75 of the National Health Service Act 2006 the exercise of its functions in relation to the commissioning and provision of the Learning Disabilities Services as of 1 April 2015.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 The Government issued guidance in 2008 "Valuing People Now", which provided for the transfer of commissioning responsibilities and funding from the NHS to Local Government, placing Local Authorities in the leadership role in respect of planning for and meeting the needs of residents with learning disabilities.
- 7.2 On 1st April 2013 following the implementation of the relevant sections of the Health and Social Care Act 2012 the Cambridge and Peterborough Clinical Commissioning Group (CPCCG) took over responsibility for planning and commissioning health services for the NHS in the area from NHS Peterborough.
- 7.3 There is a national move to focus commissioning for learning disabilities within local authorities following direction from the Department of Health and the majority of services commissioned within this service are social care.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Options below were considered prior to the refresh of the Section 75 agreement in April 2015 and were rejected:

Option A

Learning disabilities services allied professionals transferred to a NHS trust.

This would have proved complex with no immediately identifiable organisation able to take on the range and complexity of service within the timescale. It could also prove disruptive to recipients of the services.

Option B

Consideration to move to S256 agreement and abolish the S75 arrangement

This proposition was declined by CCG and agreed to reduce the frequency of the S75 meetings and merge the governance arrangements to half yearly board meetings. Officers of both CCG and the Council would meet in between meetings if required to do so.

9. IMPLICATIONS

Legal and Procurement

- 9.1 Section 75 of the National Health Service Act 2006 permits a local authority and a health trust to work together to deliver integrated services which include specific statutory functions. The agreement will cover the arrangements for the lead commissioning and delivery of learning disability health services.

This arrangement is not subject to the Public Procurement Regulations 2015.

- 9.2 Financial

This text is from the previous CMDN dated March 2013 and is reference.

It is anticipated that the integrated arrangements for Learning Disability Provision will deliver better value for money for both the Council and CPCCG than having totally separate arrangements.

The Section 75 agreement includes the full cost analysis of the services to be provided on behalf of CPCCG. The agreement also clearly defines the appropriate risk share arrangements to manage changes in demand for the service. Any such increases in cost that relate to the Health elements of the service will be passed back to CPCCG.

The final updated section 75 agreement will only be approved by the Executive Director Strategic Resources if he is satisfied these arrangements are in place.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

Declarations by any cabinet member consulted by the decision maker and any dispensation granted by the Audit Committee or Head of Paid Service (Chief Executive). Note, the Audit Committee grants dispensations where the member concerned has a pecuniary interest, whereas the Chief executive may grant a dispensation for these purposes to any cabinet member consulted on these proposals whether by an officer or another individual cabinet member where there is a common law conflict of interest that may not amount to a pecuniary interest under the Regulations.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

- 11.1 Public Report titled Transforming Community Services dated 13 December 2010.
- 11.2 Cabinet Decision: Section 75 Agreement with Cambridgeshire Community Services: EC11/CMDN/132
- 11.3 Learning Disabilities Section 75 Agreement between ASC and CPCCG.
- 11.4 Government guidance: Valuing People Now (2008)
- 11.5 Cabinet Decision on Transforming Community Services dated 20 December 2010
- 11.6 Cabinet Member Decision Notice dated 12 December 2011 entitled "Section 75 Agreement with Cambridgeshire Community Services".