

CABINET	AGENDA ITEM No. 5.2
8 FEBRUARY 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Diane Lamb, Health and Adult Social Care	
Contact Officer(s):	Denise Radley, Director of Adult Social Services	Tel. 758444

PARTNERSHIP AGREEMENT – HEALTH AND ADULT SOCIAL SERVICES

R E C O M M E N D A T I O N S	
FROM : Denise Radley, Director of Adult Social Services	Deadline date :
<p>It is recommended that:</p> <ol style="list-style-type: none"> 1) Cabinet approves the Partnership Agreement for Adult Social Care and Health to come into place from 1 April 2010 on expiry of the existing agreement 2) the Cabinet Member for Health and Adult Social Care is delegated authority to approve amendments to the agreement to reflect new risk-sharing arrangements when they are introduced as set out in paragraph 4.7 below. 	

1. ORIGIN OF REPORT

1.1 The current Partnership Agreement (made under Section 75 of the National Health Service Act 2006) expires on 31 March 2010. A new agreement has been drafted which makes provision for the continuation of the existing partnership arrangements.

2. PURPOSE AND REASON FOR REPORT

2.1 For Cabinet to approve the new Partnership Agreement which delegates all eligible functions in relation to adult social care, to the Primary Care Trust (NHS Peterborough).

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1 To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

3. TIMESCALE

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

4.1 The existing Partnership Agreement was approved by Cabinet on 24 March 2004 and implemented on 1 April 2004.

4.2 Renegotiation and updating of the agreement has taken place between the City Council and PCT. The Council undertook a review of the partnership in 2009 to inform these renegotiations. Both partners are committed to an outcome focused partnership which operates in the best interests of local people through a simple and workable partnership agreement.

- 4.3 In 2009, the existing agreement was extended by a Cabinet Member decision for a period of one year with a view to a new agreement being entered into to commence on 1 April 2010.
- 4.4 The agreement allows for the continued integration of health and adult social care through lead commissioning of services by the PCT, pooling of budgets and the operation of integrated services.
- 4.5 The agreement has been updated in relation to new legislation and the latest policy context. Some clauses in relation to staffing transfers for example have been changed and/or deleted given that the transfer of staff was fully affected within the first years of the original partnership agreement. The previous agreement was with the current PCT's predecessor organisation and so many of the references to organisations have also been updated.
- 4.6 The agreement ensures that the Council's interests are protected including:
- Retaining accountability within the City Council for those functions which cannot be delegated to another body e.g. setting the charging policy and setting the eligibility criteria for adult social care
 - Having a linked Annual Accountability Agreement setting out what the Council requires the PCT to achieve in the year (the 20010/11 draft agreement is included with the budget papers)
 - Provision for a Partnership Governance Group considering performance and finance, with the Council's voting members being the Chief Executive and the Cabinet Member for Health and Adult Social care
 - Director of Adult Social Services is a voting member on the PCT Board and the Cabinet Member for Health and Adult Social Care is a non-voting member
 - A requirement for the PCT to participate in the Council's budget setting process in order to determine the Council's contribution to the pooled budget
 - Standard notice clauses relating to fundamental contract breaches
 - A twelve month notice clause for either party which if needed, would be sufficient to allow the necessary work to terminate the partnership and protect the interests of people receiving adult care services
 - A new requirement for the audit committees of each organisations to meet together at least annually
- 4.7 The arrangements in relation to risk-sharing are proposed to change in the future. The agreement retains the current arrangement initially (from 1/4/10) but provides for a new risk-sharing arrangement to be introduced once robust systems and monitoring arrangements are developed to support it. The new arrangements will differentiate avoidable and unavoidable additional costs in relation to adult social services. Avoidable additional costs would continue to be met 100% by the PCT, unavoidable additional costs would be met pro-rata to their contributions by the partners. Underspends would be similarly apportioned.
- 4.8 It is proposed that the Partnership Governance Group receive a report on the data and monitoring systems to support this change and that the Cabinet Member for Health and Adult Social care approve this change following the Group's recommendation.

6. CONSULTATION & ENGAGEMENT

Consultation has been undertaken with Councillor Lamb and relevant internal service departments within the Council and the PCT. The Partnership Governance Group supports the recommendation.

8. REASONS FOR RECOMMENDATIONS

The Council delegates its statutory adult social care functions and responsibilities to the PCT. The Partnership Agreement sets out how the two organisations pool their committed

budgets and commission all health and social care services. The Partnership Agreement is supported by an Annual Accountability Agreement which sets out the strategic and performance objectives to be delivered, the funding to be provided by each party, the charges to be made for social care services, and the eligibility criteria at which people were entitled to receive those services. The current Annual Accountability Agreement for 2009/2010 was included in the Medium Term Financial Strategy approved by Full Council on 25 February 2009. A new partnership agreement must be entered into by the end of March 2010 to support the integrated arrangements for health and social care in Peterborough.

9. ALTERNATIVE OPTIONS CONSIDERED

Do nothing – this is not a valid option as in order for the Council and the PCT to jointly commission all health and social care services under Section 75 of the National Health Service Act 2006 a partnership agreement needs to be put in place setting out the terms of the pooling of the committed budgets and commissioning arrangements.

10. IMPLICATIONS

Legal, financial and other implications have been considered during the preparation of this report and there are no further issues to be listed separately.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

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