



HEALTH AND WELLBEING BOARD

Wednesday 23 March 2022

REPORT TITLE:	INTEGRATED CARE SYSTEM
REPORT OF:	DIRECTOR OF ADULT CARE AND HEALTH

REPORT SUMMARY

The purpose of this report is to update the Health and wellbeing Board on the development of the Integrated Care System and the changes to Wirral's Clinical Commissioning Group (CCG) and request that the Board notes the terms of reference for the Wirral Place Based Partnership.

This report affects all wards but is a key decision.

RECOMMENDATIONS

The Health and wellbeing board is recommended to note:

1. the implementation plans of the Council and the NHS in respect of the Health & Care Bill still going through Parliament and its impact on the Council. In readiness for which the Adult Social Care and Public Health Committee:
 - a) approved the terms of reference for the Wirral Place Based Partnership Board and
 - b) agreed to establish a shadow Committee in common in the form of a sub-committee consisting of 3 Members politically balanced with terms of reference as detailed in appendix 2.
2. the appointment of the Place Director for Wirral

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATIONS

- 1.1 It is important to ensure that the Health and wellbeing board is engaged in the development of the Integrated Care System, the impact on Wirral as a place and the impending changes for Wirral's CCG. Regular briefings will continue to be provided to keep members of the board informed of national, regional and local progress.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 This report provides an update on the development of the Integrated Care System and the changes to Wirral's Clinical Commissioning Group (CCG) that come into place in July 2022 and will jointly drive forward and oversee local integration. There are a number of ways that health and social care partners can work together under place-based arrangements, including an officer led arrangement, and these were explored in the workshops described in the report. Further alternative arrangements may come to light dependent on the final drafting of the Health and Care Bill upon it receiving Royal Assent and subsequent content of the relevant secondary legislation. These potential alternative options will be explored by the Council, and by the Sub-Committee if established, as well as by and in discussion with health partners.
- 2.2 The proposed JSCB Sub – Committee of the Adult Social Care and Public Health Committee which will sit in common with the ICB could consist of a different number of Members on a politically proportionate basis.

3.0 BACKGROUND INFORMATION

- 3.1 Partners across Wirral have a long history of working effectively together to agree and deliver shared outcomes. The Integrated Care System and the developmental Wirral Place Based Partnership will be inclusive, bringing together commissioners, providers and colleagues from Social Care, Health and Voluntary Sectors.
- 3.2 Wirral's Place Based Partnership will build on the Boroughs Health and Wellbeing Strategy by developing the partnership strategy/priorities and associated outcomes for health and care across Wirral.
- 3.3 Wirral's Place Based Partnership will be responsible for the delivery of an Integrated Health and Social Care system through effective stakeholder collaboration and improved health and social care services to deliver better outcomes for the population of Wirral.

- 3.4 Officers from a range of health social care and voluntary organisations will attend Wirral's Place Based Partnership to work together to transform services across the health and social care system to deliver sustainable change with maximum benefits to communities, residents, and patients.
- 3.5 The elected Members of the Adult Social Care and Public Health Committee, which met on 3rd March 2022, supported recommendations to establish a shadow Committee in common in the form of a sub-committee consisting of 3 Members politically balanced and approved the terms of reference for the Wirral Place Based Partnership Board. The committee will also work closely with the newly appointed Place Director going forwards.

Integrated Care System and Wirral Place Based Partnership – Update

Establishing the New Integrated Care Board (ICB) for Merseyside and Cheshire

- 3.6 Cheshire and Merseyside Health and Care Partnership wrote to partners on 22 October 2021 to update about the process of developing the new ICB's Constitution and engagement with system partners and stakeholders.
- 3.7 The ICB will be responsible for implementing the overall NHS strategy in Cheshire and Merseyside, assigning resources, securing assurance, and ensuring partners that the right activities are focused on securing the best outcomes for our communities.
- 3.8 The ICB Constitution is heavily prescribed nationally to reflect the need for clear and consistent process on the management of NHS resources and decision making. However, specific choices are required in relation to the membership and size of the ICB including the number of executives, non-executives, and partner members.

Wirral Place Based Partnership Arrangements

- 3.9 Wirral's Place Based Partnership will drive a culture towards greater collaboration and joint working and build upon what partners have already worked hard to develop over the years. Governance arrangements will continue to develop over time, with the potential to develop into more formal arrangements as working relationships and trust increases.
- 3.10 A Terms of Reference document has been produced for the Wirral Place Based Partnership and is attached as Appendix One of this report. The Terms of Reference was approved by elected Members at the Adult Social Care and Public Health Committee on 3rd March 2022.

- 3.11 The Wirral Place Based Partnership Board is not a separate legal entity, and as such is unable to take decisions separately from its constituent members or bind any one of them; nor can one organisation 'overrule' the other on any matter.
- 3.12 The relevant statutory bodies have not at this point formally delegated decision making to the Wirral Place Based Partnership, although such a scheme of delegation may be developed in future.
- 3.13 The Board will work within existing contractual frameworks and any Section 75 Agreement between the ICB and the Local Authority to transform the way in which health and care services are delivered and services are integrated.
- 3.14 The Wirral Place Based Partnership Board will meet at the same time and in the same location as the Council/ICB S75 Strategic Commissioning Joint Committee. The Wirral Place Based Partnership Board will work with the Council/ICB S75 Strategic Commissioning Joint Committee and may aim to reach the same decision on identical matters, but ultimately will take its own decisions separately on behalf of the Wirral Place Based Partnership Board, in accordance with these terms of reference.
- 3.15 It is important that the leadership roles of the Place-based Partnership are agreed and defined clearly, based on the functions and programmes of the partnership, and there is an agreed process to manage any potential conflicts of interest. The Cheshire and Merseyside HCP has appointed a Place-based Director for Wirral and will take up the role, on a designate basis, from 1st April. The recruitment process for the other 8 areas in the Cheshire and Merseyside ICS is ongoing.
- 3.16 On the 3rd of March 2022, the Adult Social Care and Public Health committee agreed to support the development of a Joint Strategic Commissioning Board (JSCB), with the Council component being a sub-committee of the ASC and PH committee. The purpose of the Wirral Joint Strategic Commissioning Board (JSCB or the 'Board') is to make recommendations to and exercise delegated powers of the Adult Social Care and Public Health Committee of the Wirral Borough Council (WBC) and the Integrated Care Board (ICB) for Cheshire and Merseyside in order to bring about the integration of the commissioning functions of both WBC and the ICB to deliver more efficient and effective commissioning of health and social care services and to ensure effective stewardship of pooled monies under the section 75 agreement between the Council and the ICB.
- 3.17 The JSCB will be established as a 'Committee in Common' within which the two bodies will meet at the same time to discuss a common agenda, but each will retain their own legal status and arrangements. The Council JSCB Committee would have the formal status of a Sub-Committee of the Adult Social Care and Health Policy and Service Committee.

- 3.18 The JSCB Sub-Committee will make all its decisions in accordance with the Budget and Policy Framework of Wirral Council and any matter coming before the JSCB Sub-Committee that might involve a decision contrary to the Budget and / or Policy Framework shall be referred to the main Committee for confirmation and, if necessary, referral to Policy and Resources or the full Council. It is proposed that the JSCB Sub – Committee consist of 3 elected members on a politically proportionate basis supported by the Director of Adult Social Care and Health, the Director of Children’s Services and the Director of Public Health as the key statutory officers from the Council with pooled fund responsibility.

Impact on NHS Wirral Clinical Commissioning Group

- 3.19 The Health and Care Bill introduced in Parliament on 6th July 2021 confirmed the Government’s intentions to introduce statutory arrangements for integrated care systems (ICSs) from April 2022. This date has now been moved back to 1st July 2022 as the Bill is still passing through Parliament. Under this proposed legislation, CCGs will be abolished. Statutory functions, currently exercised by Clinical Commissioning Groups (CCGs), will be conferred on Integrated Care Boards (ICBs), along with the transfer of all CCG staff, assets and liabilities (including commissioning responsibilities and contracts). Relevant duties of CCGs include those regarding health inequalities, quality, safeguarding, children in care and children and young people with special educational needs and/or disability. While preparations for these new arrangements are being made, all NHS organisations must continue to operate within the current legislative framework retaining any governance mechanisms necessary to maintain operational delivery (including patient safety, quality and financial performance).

- 3.20 The *Human Resources (HR) Framework for Developing Integrated Care Boards* applies to NHS organisations affected by the proposed legislative changes as they develop and transition towards the new statutory integrated care boards (ICBs). These organisations include CCGs and other NHS employers hosting ICS staff or shared services. This guidance provides national policy ambition and practical support to complement regional and ICB approaches and local employer policies for dealing with the change processes required to affect the transfer and the transition. The HR Framework sets out the actions required to:

- **Ensure the safe transfer of people to the new integrated care board.**
- **Plan and implement the transition in line with this guidance and the *Employment Commitment*, encouraging best people practices throughout the transitional arrangements and enabling the right conditions for these new significant organisations to start to deliver their ambitions.**
- **Ensure that where possible our NHS talent is retained and deployed to support systems in an agile way driving forward the ‘one NHS workforce’ ambition.**

- 3.21 The *Employment Commitment* is:

- **not to make significant changes to roles below the most senior leadership roles**

- **to minimise the impact of organisational change on current staff by focusing on the continuation of existing good work through the transition and not amending terms and conditions**
- **to offer opportunities for continued employment for all those who wish to play a part in the future.**

The *Employment Commitment* applies aims to 'lift and shift' all staff below board level from CCGs and other impacted organisations so that their roles and responsibilities continue into the newly established ICB. Staff at board level are not considered/included under the *Employment Commitment*.

- 3.22 Due diligence processes have been put in place to ensure the safe transfer of people (staff) and property (in its widest sense) from CCGs to ICBs. There are clear legal processes in place for transfer, establishment and closedown. These processes also ensure that the relevant duties of CCGs are transferred to the ICB and are delivered seamlessly on the first day of operations of the new organisation.

Next Steps

- 3.23 National timescales are moving rapidly, although they remain subject to legislation.
- 3.24 Wirral health and social care system partners have made great progress towards the development of the Wirral Place Based Partnership and will continue to do so to deliver the arrangements by 1 July 2022.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.
- 4.2 The ICB will take on the NHS commissioning functions of CCGs as well as some of NHS England's commissioning functions. It will also be accountable for NHS spend and performance within the system.

5.0 LEGAL IMPLICATIONS

- 5.1 The Health and Care Bill, published in July 2021, sets out how the Government intends to reform the delivery of health services and promote integration between health and care in England. This is the first major piece of primary legislation for health and care in England since the Health and Social Care Act 2012.
- 5.2 The Bill will allow for the establishment of Integrated Care Boards and Place-based Partnerships across England. This will be done at the same time as abolishing Clinical Commissioning Groups (CCGs). NHS England will agree ICBs' constitutions and will hold them to account for delivery.

- 5.3 A number of guidance documents issued by NHS England set out how the NHS, local authority and other partner organisations in Integrated Care System will be expected to operate from April 2022. The guidance includes functional details, particularly structural relationships, governance arrangements and duties of the new ICS.
- 5.4 At the time of producing this report, the Health and Care Bill was still at Report stage in the House of Commons and has not yet been formally approved.
- 5.5 The statutory instruments establishing each Integrated Care System cannot be made formally until the Bill has been enacted. However, system partners are charged to preparations for the expected new arrangements, to commence in July 2022.
- 5.6 Once legislation is passed, a new NHS Framework will be shared which is likely to have impact on several policies and will need to be reviewed in due course.

6.0 **RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 The CCG staff in Wirral are directly affected by the Health and Care Bill. There are staffing implications in relation to developing the integrated commissioning team in Wirral. The Council will work in partnership NHS Wirral CCG to ensure that the new integrated commissioning team is supported throughout the transition from 2021 into July 2022 when the ICB will replace the previous CCG organisations.
- 6.2 Staff currently employed by CCGs will transfer to ICBs, and NHS England has made an employment commitment to staff to provide stability and minimise uncertainty.

7.0 **RELEVANT RISKS**

- 7.1 There is a risk associated to the timescales to ensure that all arrangements are fully agreed and implemented with local partners by 1 July 2022 to ensure Wirral's Place Based Partnership is thriving, benefiting residents, patients and people who access local health and social care services.
- 7.2 The Health and Care Bill has not yet been formally approved, therefore there is a risk that further changes may be published that impact upon the proposed Place-based partnership arrangements.
- 7.3 Arrangements to assess and share risks and gains across providers will be fully established and supported by transparency around resource availability and allocation within the place.
- 7.4 The Council will mitigate risks through working closely with partners to gain insight into all areas of risks to enable mitigating actions to be put in place.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Wirral's CEO Integrated Care Partnership Development Group and Integrated Care Partnership Delivery Group continue to meet regularly to develop Place-based Partnership arrangements. The Integrated Commissioning and Governance Project Board attended by Council and CCG Officers continues to meet monthly. Council and Health Officers from Wirral continue to engage with Cheshire and Merseyside System leads throughout the development journey to be prepared from July 2022.
- 8.2 Integrated Care Partnership Delivery Group continue to develop and update their communication plan to ensure that all key stakeholders are engaged and informed over the course of the development journey.
- 8.3 Neighbourhood areas are the fundamental platform for engagement working with residents and providers of each neighbourhood. Design, delivery and improvement are shaped through co-production with communities.
- 8.4 Resident's voice will be embedded within neighbourhood and place arrangements driving priorities and ensuring public voice involvement in design and decision making. The Council and place partners will utilise existing networks for effective reach into communities.
- 8.5 The Wirral Place Based Partnership will have Voluntary Sector representation, which is embedded in all elements of population planning, decision making and delivery. Voluntary Sector intelligence and insight will be collated, including wider community feedback, to ensure the Placed Based Partnership can hear from critical voices within different communities, escalate priority issues, and take action on these issues.

9.0 EQUALITY IMPLICATIONS

- 9.1 An Equality Impact Assessment has been completed. An Equality Impact Assessment is a tool to help public services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 The Equality Impact Assessment will be reviewed regularly and updated in July 2022 once the Health and Care Bill has been finalised.
- 9.3 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. Plans will be underpinned by local population health and socio-economic intelligence. The Council will work in partnership with local and regional partners to develop Place-based Partnership arrangements necessary to deliver improved outcomes in population health by tackling health inequality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environmental or climate implications as a result of this report.

10.2 Wirral Council is committed to carrying out its work in an environmentally responsible manner, and these principles will guide the development of the Place-based Partnership in Wirral.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The case for Community Wealth Building is stronger than ever, with the pandemic having a clear and significant impact on our residents, communities, and businesses. It is vital that everything we do at the Council contributes to the recovery and the development of a resilient and inclusive economy for Wirral.

11.2 Community Wealth Building in Wirral focusses on partnerships and collaboration, both within the Council and with external partners and stakeholders, including residents. The Council will work together with partners and residents to develop the Wirral Place Based Partnership arrangements in Wirral that meet the needs of the population, with a focus on reducing health inequalities.

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APPENDICES

Appendix 1 Wirral Place Based Partnership: Terms of Reference v3 (draft)

Appendix 2 JSCB Sub-Committee Terms of Reference

BACKGROUND PAPERS

- NHS Five Year Forward View (2014), <https://www.england.nhs.uk/five-year-forward-view/>
- NHS Planning Guidance (2017), <https://www.england.nhs.uk/publication/delivering-the-forward-view-nhs-planning-guidance-201617-202021/>
- NHS Long Term Plan (2019), <https://www.longtermplan.nhs.uk/>

- Designing Integrated Care Systems (ICSs) in England (2019), <https://www.england.nhs.uk/wp-content/uploads/2019/06/designing-integrated-care-systems-in-england.pdf>
- Integrating Care: Next steps to building strong and effective integrated care systems across England (2020), <https://www.england.nhs.uk/wp-content/uploads/2020/11/261120-item-5-integrating-care-next-steps-for-integrated-care-systems.pdf>
- *Integration and Innovation: working together to improve health and social care for all*, White Paper (2021), <https://www.gov.uk/government/publications/working-together-to-improve-health-and-social-care-for-all>.
- *Legislating for Integrated Care Systems: five recommendations to Government and Parliament* (2021), <https://www.england.nhs.uk/publication/legislating-for-integrated-care-systems-five-recommendations-to-government-and-parliament/>
- NHS Planning Guidance (2021), <https://www.england.nhs.uk/operational-planning-and-contracting/>
- The Queen's Speech 2021 – Background Briefing Notes, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985029/Queen_s_Speech_2021_-_Background_Briefing_Notes..pdf
- *Integrated Care Systems: Design Framework and Guidance on the Employment Commitment* (2021), <https://www.england.nhs.uk/publication/integrated-care-systems-design-framework/>
- NHS People Plan 2020/2021, <https://www.england.nhs.uk/ournhspeople/>
- Thriving Places - September 2021 – Found at [Thriving Places: guidance on the development of place-based partnerships as part of statutory integrated care systems](#)
- Building strong integrated care systems everywhere ICS implementation guidance on effective clinical and care professional leadership - September 2021 - Found at [Building strong integrated care systems everywhere: ICS implementation guidance on effective clinical and care professional leadership](#)
- Building strong integrated care systems everywhere ICS implementation guidance on partnerships with the voluntary, community and social enterprise sector- September 2021 - Found at [Building strong integrated care systems everywhere: ICS implementation guidance on partnerships with the voluntary, community and social enterprise sector](#)
- Health and Care Bill (2021) <https://bills.parliament.uk/bills/3022>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
<p>Previous reports presented to Health and Wellbeing Board:</p> <ul style="list-style-type: none"> • Health & Wellbeing Board Refreshed Purpose Integrated Care System Project Update • Integrated Care System and Integrated Care Partnership Developments • Integrated Care System and Integrated Care Partnership Developments • Integrated Care System and Integrated Care Partnership Developments <p>Previous reports presented to Adult Social Care and Public Health Committee:</p> <ul style="list-style-type: none"> • Strategic Developments in the NHS • Proposals for Integrated Care Partnership • Integrated Care System and Integrated Care Partnership Developments • Integrated Care System and Integrated Care Partnership Developments <p>Previous reports presented to Partnerships Committee</p> <ul style="list-style-type: none"> • Strategic Developments in the NHS • Strategic Developments in the NHS • Strategic Developments in the NHS • Integrated Care System and Integrated Care Partnership Developments 	<p>31st March 2021 16th June 2021 20th July 2021 29th September 3rd November 2021 15th December 2021</p> <p>2nd March 2021 7th June 2021</p> <p>29th July 2021 8th September 2021 13th October 2021</p> <p>9th November 2020 13th January 2021 29th June 2021 28th September 2021</p>