

JOINT STRATEGIC COMMISSIONING BOARD
Wirral Health and Care Commissioning Pooled Fund Arrangements
for April 2019 to March 2020

| Risk Please indicate | High N | Medium N | Low Y |
|-----------------------------------|---|----------|-------|
| Detail of Risk Description | <i>Limited pooled fund arrangements reflecting elements of health and care pooled in 2018/19 minimise potential risk in relation to pooled health and care budgets.</i> | | |

| | |
|---|----------|
| Engagement taken place | Y |
| Public involvement taken place | N |
| Equality Analysis/Impact Assessment completed | N |
| Quality Impact Assessment | N |
| Strategic Themes | |
| To empower the people of Wirral to improve their physical, mental health and general wellbeing | N |
| To reduce health inequalities across Wirral | N |
| To adopt a health and wellbeing approach in the way services are both commissioned and provided | Y |
| To commission and contract for services that: <ul style="list-style-type: none"> • Demonstrate improved person-centred outcomes • Are high quality and seamless for the patient • Are safe and sustainable • Are evidenced based • Demonstrate value for money | N |
| To be known as one of the leading organisations in the Country | N |
| Provide systems leadership in shaping the Wirral Health and Social Care system so as to be fit for purpose both now and in five years' time. | Y |

JOINT STRATEGIC COMMISSIONING BOARD

(Committee in Common)

| | |
|----------------------|---|
| Meeting Date: | 5 February 2019 |
| Report Title: | Wirral Health and Care Commissioning Pooled Fund Arrangements for April 2019 to March 2020 |
| Lead Officer: | Graham Hodgkinson |

1 INTRODUCTION / REPORT SUMMARY

- 1.1 Wirral Health and Care Commissioning (WHaCC) has been in operation since May 2018. WHaCC is the formal strategic commissioning partnership working on behalf of Wirral Council and NHS Wirral Clinical Commissioning Group (CCG), created following agreement to progress into a formal partnership by Wirral Council's Cabinet in November 2017 and NHS Wirral Clinical Commissioning Group (CCG) in December 2017.
- 1.2 This report presents proposed arrangements for pooled fund resources in 2019 to 2020, they will be based upon continuing with arrangements that are currently in place for 2018 to 2019. It is proposed that the pooled budget scope is not extended to include additional schemes or areas during 2019, in order to enable joint arrangements to continue without increasing financial risk.
- 1.3 There is a commitment to review the effectiveness of Better Care Fund (BCF) schemes early in 2019/20 and the financial value in the pool may change slightly due to changes in allocation, inflationary pressures etc. However, the key proposal is that the scope and range of services covered remains the same.
- 1.4 The Section 75 pooled fund agreement sets out the detail of budget areas that are being pooled in 2019. There is a mandatory legal requirement to have a Section 75 agreement in place to draw down the elements of the pool relating to the Better Care Fund.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Joint Strategic Commissioning Board endorses the action of not increasing the scope of pooled funds for 2019 to 2020 in order to continue mitigating financial risk.
- 2.2 It is recommended that the Director of Care and Health is authorised to enter into the proposed Section 75 agreement for 2019/20 on behalf of the Council.

- 2.3 It is recommended that the Chief Officer of NHS Wirral Clinical Commissioning Group (CCG) is authorised to enter into the proposed Section 75 agreement for 2019/20 on behalf of the Council.

3 BACKGROUND INFORMATION

- 3.1 Evidence of the benefits for integrated working arrangements and integrated commissioning have been debated alongside potential risks and concerns in detail in recent months. This has included a detailed scrutiny process, culminating in a Wirral Council decision to sign-off pooled fund arrangements for 2018/2019 as being in the best interests of the public of Wirral.
- 3.2 This report provides a proposal regarding the new agreements for 2019/2020 to support effective integrated commissioning. It is proposed that the scope of the pooled fund remains the same as in 2018/2019 with no further inflationary increases to funding. This is a key factor in mitigating against the potential risk that a larger pool could bring at this stage.
- 3.3 The following key features of integration have been outlined as essential to success;
- Pooling resources, intelligence and planning capacity.
 - Delivering the Right Care in the Right Place at the Right Time.
 - Managing demand and reducing the cost of care.
 - Clear accountability and governance arrangements.
 - Resilience and flexibility to emerging issues in service delivery.
- 3.4 In 2019 to 2020 Healthy Wirral remains as the key programme for the delivery of health and care. WHaCC is the system lead for the delivery of this programme through the Healthy Wirral Partners Board.
- 3.5 In order to lead and deliver Healthy Wirral, new governance arrangements have been put in place. These are in line with the intentions and requirements of Wirral Health and Care Commissioning and is shown as a Governance structure in the diagram shown at (Appendix 1). The structure is in 3 sections; integrated commissioning, partnerships and integrated provision. These are all important but for integrated commissioning the key governance arrangements relate to the role of the Joint Strategic Commissioning Board and the Health and Wellbeing Board, that has strategic oversight for the health and care system as a whole.
- 3.6 For 2019, the role of scrutiny in monitoring pooled fund arrangements will be strengthened with the Pooled Fund Executive Group providing a performance update to the Overview and Scrutiny Adult Care and Health Performance

Panel. The report will reflect the financial aspects of joint strategic commissioning.

Pooled Fund Executive Group;

3.7 The Pooled Fund Executive Group:

- Ensures effective day to day management of the pooled funds under the Section 75.
- Maintains an overview of the use of pooled fund and service delivery.
- Reports on performance of the pooled fund to Joint Strategic Commissioning Board, and to scrutiny performance committee in 2019.
- Is accountable for the delivery of objectives to the partners of the pooled fund.

Expenditure areas to be included in 2019/20

3.8 The areas of expenditure that are proposed to be included in the pooled funding and shadow arrangements are summarised in the table below: -

| Description | £m |
|-------------------------|-------|
| Adult Social Care | 42.3 |
| Public Health | 12.7 |
| Children & Young People | 1.7 |
| CCG* | 23.8 |
| Better Care Fund | 55.7 |
| | 136.2 |

*CCG figures for 19/20 are currently being worked up as part of the CCG Financial Planning process.

4 OTHER OPTIONS CONSIDERED

4.1 During 2018 to 2019 the narrower scope of the pooled fund, where resources have been pooled around clear benefit to individuals and care packages has helped to mitigate against broader health and care system risk.

4.2 It was considered that at this stage broadening the scope of the pool to include all NHS Wirral Clinical Commissioning Group (CCG) and Wirral Council social care spending could potentially increase risk due to ongoing pressure in the health system. It has therefore been recommended not to increase the scope.

5 FINANCIAL IMPLICATIONS

- 5.1 Following consideration of risks and mitigating factors the Pooled Fund Executive Group, on behalf of Wirral Council and NHS Wirral Clinical Commissioning Group (CCG) have recommended to JSCB that the partnership should continue to limit the amount of resources pooled in order to reduce the level of risk that NHS Wirral Clinical Commissioning Group (CCG) and Wirral Council would potentially be exposed to should broader resources be pooled. The figures agreed for 2019/20 in respect of the pooled fund amount to £136.2m; the risk and gain share agreement and arrangement will continue on a 50/50 basis, given the identification of relative risks and opportunities and the need to show improved collaborative working particularly in respect of packages of care.
- 5.2 A full breakdown of the proposed pool's composition is given below

| Area | Category | Budget |
|------------------------------------|---|-------------|
| Adult Social Care | Community Care for Learning Disabilities (LD) | 40.7 |
| | Community Care for Mental Health (MH) | 10.6 |
| | LD/MH Customer and client receipts | (3.4) |
| | Income from LD/MH joint-funded packages | (6.5) |
| | Children with Disabilities | 0.8 |
| | | 42.3 |
| Public Health | Stop smoking interventions | 0.7 |
| | Sexual health services | 3.0 |
| | Children's services | 7.0 |
| | Health checks | 0.2 |
| | Adult obesity | 0.3 |
| | Mental health | 1.1 |
| | Infection control | 0.4 |
| | | 12.7 |
| Children & Young People | Care packages | 1.7 |
| | | 1.7 |

| Area | Category | Budget |
|-------------------------|--|--------------|
| CCG | Continuing Healthcare (CHC) – adult fully funded continuing care | 4.2 |
| | CHC – adult fully funded Personal Health Budgets (PHBs) | 1.1 |
| | Funded nursing care | 0.8 |
| | Learning disabilities | 1.7 |
| | Mental health | 10.6 |
| | Adult joint funded | 4.1 |
| | CHC – Adult joint funded PHBs | 0.3 |
| | CHC children's continuing care | 1.0 |
| | Children's PHBs | - |
| | | 23.8 |
| Better Care Fund | Integrated services | 20.1 |
| | Adult social care services | 28.7 |
| | CCG services | 2.0 |
| | Disabled Facilities Grant (DFG) | 3.9 |
| | Innovation fund | 0.6 |
| | Known pressures & contingency | 0.4 |
| | | 55.7 |
| | | 136.2 |

6 ENGAGEMENT / CONSULTATION

- 6.1 Since 2014, the Council has had a duty under the Care Act to promote Care and Health integration. Subsequently developing arrangements for integration has been debated, discussed and supported in a number of places to include;
- Public consultation for All Age Disability Services, where over 70% of people with disabilities and their carers supported integration.
 - Health and Wellbeing Board, the arrangements for the Better Care Fund are signed off.
 - The direction of travel for integrated commissioning, the business case and proposed integrated arrangements for Wirral Health and Care Commissioning (WHaCC) have been well documented via NHS Wirral Clinical Commissioning Group (CCG) Governing Body meetings on 2 May 2017 and 5 December 2017

and Wirral Council Cabinet meetings on 27 March 2017 and 27 November 2017.

- Wirral's Adult Care and Health Overview and Scrutiny Committee have received reports regarding integration on the following dates; Key Issues for Health and Care, Wednesday 28 June 2017. Better Care Fund 2-Year Plan 13 September 2017, Report of Workshop regarding All Age Disability and Mental Health Service (Joint with Children's scrutiny 2 August 2017), Report dated 13 September 2017. Place Based Care Arrangements, 28 November 2017. Health and Care Integration 30 January 2018, Integrated Social Care Transfer – 12-months on Staff perspectives 12 September 2018, Called-in Business – Wirral Health and Care Pooled Fund Arrangements 27 November 2018.
- Wirral Council debated the Section 75 Pooled Budget arrangements in response to a scrutiny call-in 10 December 2018 the arrangements were supported by a majority vote.

7 LEGAL IMPLICATIONS

7.1 Lawyers acting on behalf of Wirral Council and NHS Wirral CCG have been engaged in, and crucial to the production of the 2018/19 section 75 agreement. The agreement treats each party in an equivalent way, allowing appropriate protections and exit arrangements. The contract provides for the following protections for the Council and NHS Wirral CCG:

- a) Appropriate indemnities to protect the council in relation to the performance of the agreement;
- b) A requirement to maintain appropriate counter fraud and security management arrangements;
- c) Appropriate contract monitoring and performance mechanisms;
- d) A clear dispute resolution clause; and
- e) Force Majeure provision.

7.2 The contract allows for termination by either party on at least 12 months' notice provided the termination date cannot be earlier than 31 March 2020. Provisions are included to ensure service continuity/ succession following termination.

8 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

8.1 Currently there is no significant impact on resources, ICT, staffing and assets as a result of the integration agenda. As greater integration occurs, there are likely to be efficiency savings through economies of scale with appropriate sharing of posts and other assets.

9 EQUALITY IMPLICATIONS

9.1 There are no implications as it is not anticipated that the integration of commissioning functions will have an impact on equality. Rather, potential impacts on equality will come from commissioning decisions for which Equality Impact Assessments (EIA) will need to be produced.

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APPENDICES

Appendix 1 - Wirral Health and Care System Governance

BACKGROUND PAPERS

N/A

HISTORY

| Meeting | Date |
|--|-------------------|
| NHS Wirral Clinical Commissioning Group (CCG) Governing Body Board | 2 May 2017 |
| NHS Wirral Clinical Commissioning Group (CCG) Governing Body Board | 5 December 2017 |
| Wirral Council Cabinet | 27 March 2017 |
| Wirral Council Cabinet | 27 November 2017 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 28 June 2017 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 13 September 2017 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 2 August 2017 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 28 November 2017 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 30 January 2018 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 12 September 2018 |
| Wirral Council Adult Care and Health Overview and Scrutiny Committee | 27 November 2018 |

| | |
|-------------------------------------|------------------|
| Wirral Council | 10 December 2018 |
| Joint Strategic Commissioning Board | 19 June 2018 |
| Joint Strategic Commissioning Board | 16 October 2018 |
| Joint Strategic Commissioning Board | 4 December 2018 |