

From: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing

To: Adult Social Care and Health Cabinet Committee -
3 December 2015

Decision No: 15/00101

Subject: **INTEGRATED ADULT LEARNING DISABILITY COMMISSIONING SECTION 75 AGREEMENT**

Classification: Unrestricted

Past Pathway: SCHWB DMT/Accountable Officer Meeting – 4 November 2015
Clinical Commissioning Group (CCG) Governance Committees February 2014 and September 2015
Adult Social Care and Health Cabinet Committee – 10 July 2015
Kent Health and Well Being Board – 18 November 2015

Future Pathway: Kent Learning Disability Partnership Board – January 2016
CCG Governance Committees - January 2016
Adult Social Care and Health Cabinet Committee – January 2016
Cabinet Member decision

Electoral Division: All

Summary: The Integrated Commissioning project was established to develop integrated commissioning arrangements between Kent County Council and the seven Kent Clinical Commissioning Groups (CCGs) for Adults with a Learning Disability.

This report sets out the final recommendations which will be used to develop the Section 75 agreement. The Section 75 agreement will be presented to this Committee on 10 January 2016 to give Members an opportunity to comment on it prior to proposed implementation in April 2016.

Recommendations: The Adult Social Care and Health Cabinet Committee is asked to:

- a) **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision as set out in Appendix A for Kent County Council to enter into a Section 75 agreement with the seven Kent CCGs which will agree arrangements for integrated commissioning for Adults with a Learning Disability.

b) the Cabinet Member for Adult Social Care and Public Health delegate authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer, to arrange sealing of the contract.

1. Introduction

- 1.1 This report describes the proposed integrated commissioning arrangement for Adult Learning Disability between Kent County Council (KCC) and the seven Clinical Commissioning Groups (CCGs) in Kent, which if approved in January would become operational from 1 April 2016 with KCC leading on behalf of the CCGs under a formal Section 75 Agreement.
- 1.2 The purpose of the arrangement is to provide a central point of expertise on Adult Learning Disability for all the partners to the Section 75 Agreement. This will ensure there is a critical mass of limited expertise and knowledge around the commissioning of support and provide a consistent approach to health and social care commissioning for Adults with a Learning Disability across Kent. It will also ensure that the organisational memory of the considerable improvements which have already been achieved in recent years is not lost and continue to be improved.
- 1.3 Key objectives of the arrangement include:
 - Establishing an integrated commissioning team hosted by KCC
 - Signing of a Section 75 Agreement, including provision for a pooled budget for Community Learning Disability Teams (CLDTs)
 - Developing a new Alliance Agreement for the provision of integrated Care through the integrated community learning disability teams. This will ensure a collaborative approach between the three providers, KCC, Kent Community Health Foundation Trust (KCHFT) and Kent and Medway Partnership Trust (KMPT) and the commissioners
 - Establishing a sound foundation which may expand in future to include other associated areas of commissioning, e.g. services for disabled children and health funded support packages for adults with learning disabilities.
- 1.4 It is proposed that the Section 75 Agreement will make provision for a pooled budget for the funding associated with the integrated learning disability commissioning teams. The final contributions for each partner will be set out in the Section 75 Agreement.
- 1.5 This would mean that the KCC staffing budget for the CLTDs would form part of a pooled budget. Thus any plans for future spending on CLDTs would be developed in consultation with the CCGs through the Section 75 Learning Disability Partnership Board. The Section 75 Agreement will set out the governance arrangements for decision making of the Section 75

Learning Disability Partnership Board to ensure it is consistent with governance arrangements of the partner organisations.

2. Policy Framework

- 2.1 The integrated commissioning arrangement is consistent with the council's Strategic statement, "Increasing Opportunities, Improving Outcomes". The integrated commissioning arrangement for learning disability will help to achieve the strategic outcomes for both children and young people and older and vulnerable adults. A core principle of the Learning Disability Commissioning Specification is '*to put the individual with a learning disability at the centre of decision making, giving them more choice and control over their lives*'. The pooled resource will ensure a joined up approach to reducing the inequalities and disadvantage faced by people with a learning disability and help the health and social care system to work together to deliver high quality community services.

3. Commissioning Arrangements

- 3.1 As outlined in the previous preliminary report since the publication of Valuing People 2001, there has been a history of close collaboration between the council and health colleagues in Kent around the commissioning of services for Adults with a Learning Disability. This has continued through the health re-provision work, the nationally mandated transfer of commissioning and more recently the Transforming Care (Winterbourne) programme.
- 3.2 A more formal integrated commissioning arrangement is a logical progression and important step to ensure a continued consistent approach across a system of eight commissioning organisations. Since April 2015, two health commissioning staff members have been seconded to KCC in preparation for a more formal arrangement, this had proved to be successful.
- 3.3. The following options for learning disability commissioning have been considered:
- Status quo – the current health seconded members of staff are employed by the South East Commissioning Support Unit (SECSU). Prior to the secondment SECSU was commissioned by the CCGs to provide learning disability commissioning support. These options are no longer available as having reviewed existing arrangements with SECSU, the CCGs have decided on different arrangements and in return SECSU have re-organised their business and employing staff in the long term to provide learning disability expertise would no longer be consistent with their business model.
– The status quo is therefore no longer an option.
 - KCC and each CCG to make their own arrangements for learning disability commissioning. The council would continue to commission social care for people with a learning disability and has sufficient staff with knowledge and

expertise to do this. The CCGs would be faced with either doing their own learning disability commissioning (including Winterbourne) or possibly sharing some expertise among them. This option is likely to lead to fragmentation and lack of consistency across the county. It would make it far more difficult for the council to collaborate with seven different CCGs and there would be a real risk to the integrated community learning disability teams, that work so well across the county. This option would counter the national policy and advice for integrated commissioning in learning disability. – This option was discounted by the CCGs and KCC.

- The preferred option which has been taken forward and upon which this paper is based is for an integrated commissioning arrangement between KCC and the seven CCGs in Kent, which would be hosted and managed by KCC. This would bring the benefits of a central commissioning resource and expertise – but which would take account of local needs. It would ensure consistency in approach, bring economies of scale and protect specialist expertise. It will help to avoid fragmentation and make it easier to work together to deliver integrated care through the CLDTs.

This option will involve KCC hosting an integrated learning disability commissioning team – it has yet to be determined how this will fit with the re-structure of the wider council commissioning teams. It may be a virtual team – as now – with key people who lead on learning disability work. Added to the existing KCC staff will be additional staff with appropriate NHS experience and knowledge of health requirements of learning disability.

- 3.4 There are no implications for the KCC property portfolio. KCC have accommodated the seconded staff this year in Invicta House and this has worked well.
- 3.5 A Section 75 Learning Disability Partnership Board will be established; it is proposed that this be chaired by the Social Care, Health and Wellbeing Director of Commissioning. It is proposed that this be set up in shadow form so that it can be consulted upon the final arrangements and be ready to be operational for April 2016.

4. Financial Implications

- 4.1 A new Section 75 Agreement is being prepared to set out how the integrated commissioning arrangement will operate and describe the respective responsibilities of the partners and the governance arrangements to ensure all partners to the Agreement are fully engaged.
- 4.2 The Section 75 Agreement will make provision for a pooled budget. It has been agreed that this will be developed in stages. The first phase will be the pooling of the respective funding contributions for the Community learning disability teams (including mental health of learning disability). Any additions to the pooled budget would require an amendment to the

Section 75 Agreement and would be taken through the proscribed governance arrangements.

5. Equality Implications

- 5.1 The commissioning specification which will form part of the Section 75 Agreement will address any equality issues – the whole purpose of the arrangement will be to reduce inequalities faced by people with learning disabilities.

6. Legal Implications

- 6.1 A Section 75 Agreement will need to be signed. The County Council's Legal Services team is leading the development of the Agreement and will advise on the process for sealing and signing of the Agreement.

7. Conclusions

- 7.1 Following a track record of collaborative commissioning between KCC and NHS an integrated commissioning arrangement for Adults with a Learning Disability is the next logical step. It will formalise the partnership between KCC and the seven CCGs ensuring that adults with learning disabilities in Kent are served by an experienced and knowledgeable team, maintaining a critical mass of expertise to advise all partners. This project will also ensure that the resources of all partners can be effectively and efficiently used to deliver good quality integrated care for people with learning disabilities and continue to reduce the inequalities which they face.

8. Recommendation(s)

Recommendations: The Adult Social Care and Health Cabinet Committee is asked to:

a) **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (Appendix A) for Kent County Council to enter into a Section 75 agreement with the seven Kent CCGs which will agree arrangements for integrated commissioning for Adults with a Learning Disability.

b) the Cabinet Member for Adult Social Care and Public Health delegate authority to the Corporate Director for Social Care, Health and Wellbeing, or other nominated officer, to arrange sealing of the contract.

9. Background Documents

Report to Adult Social Care and Health Cabinet Committee – 10 July 2015

10. Report Author

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