



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE – HEALTH

17 January 2022

Report of the Director of Legal Services

Review of Section 75 Agreements – Scoping Report

1. Purpose

To inform the Committee of a proposed review of the Sec. 75 Agreements between the County Council and partner organisations. To seek agreement to the review being undertaken and establish a review working group.

2. Information and Analysis

The health and wellbeing of Derbyshire people is a crucial part of the Council Plan and the development of effective and efficient partnership working arrangements is important for both the County Council and local NHS Commissioners and Providers.

Partnership working has developed over recent years between the County Council and external organisations. This includes the establishment of the local Integrated Care System (ICS) and the use of Sec. 75 agreements between the Council and other service providers.

Sec. 75 of the NHS Act 2006 allows partners (NHS bodies and councils) to contribute to a common fund which can be used to commission health or social care related services. This power allows a local authority to commission health services and NHS commissioners to commission social care. It enables joint commissioning and commissioning of integrated services.

Cllr. Jean Wharmby, the Committee Chairman, has proposed that this review be undertaken to consider the current Sec. 75 arrangements, identify any

areas for improvement and develop recommendations to increase efficiency and effectiveness as well as ensuring the best use of available budgets.

The review will explore the current working and financial arrangements employed by the Council and its partners in commissioning and delivering health and social care services. It will seek to ensure that resources are being used to maximum effect by all contributors.

To facilitate the review, a working group of Committee Members will be established. Members will be invited to nominate themselves to the working group, subject to the political balance of the Committee.

The working group will seek information from a number of sources and expert witnesses including the Director of Public Health, Derbyshire County Council and members of his team as appropriate, the CEO of Derby & Derbyshire Clinical Commissioning Group (CCG) and/or his nominees, CEOs of NHS service providers and/or their nominees. The review process may also involve contributions from service users and the Council's Cabinet Member for Adult Care and Cabinet Member for Health and Communities.

As the review continues, reports will be submitted to meetings of the Improvement and Scrutiny Committee – Health to update Members on the progress and direction of the review. Once completed, the review outcomes will be reported to Cabinet with recommendations that any actions to facilitate improvements be agreed by Cabinet.

The review findings and recommendations will also be shared with the Council's partners who have participated in the review with a request that they also agree any recommendations that impact on the way they commission and provide services under Sec. 75 Agreements.

The implementation of recommendations accepted by Cabinet and the Council's Sec. 75 Agreement partners will be monitored by an action plan which will identify those who will be responsible for any changes and will set out a timeline for implementation.

After an appropriate time, the Committee may wish to revisit any areas where changes have been recommended, to ascertain the success – or otherwise - of any new arrangements.

An estimated timeframe for the completion of the review is within 6 months, subject to change should additional research and investigation be required.

3. Alternative Options Considered

3.1 None

4. Implications

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Consultation

5.1 Throughout the review process, the working group will engage with service commissioners, providers and users to enable all stakeholders to contribute.

6. Background Papers

6.1 Documents held on behalf of the Committee by the report author.

7. Appendices

7.1 Appendix 1 – Implications.

8. Recommendation(s)

That the Committee:

- a) Agrees to a review of Sec. 75 arrangements, as set out in the report.
- b) Establish a review working group of 4 Members from the Majority Group and 1 Member from the Minority Groups to recognise the political balance of the Committee.

9. Reasons for Recommendation(s)

9.1 The Committee is required to agree to the review being undertaken.

9.2 The establishment of a review working group will enable Members to conduct the review within the proposed time frame.

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Implications

Financial

1.1 The review will work to ensure available budgets are maximised in commissioning and providing health and care services across the county.

Legal

2.1 None

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 Arrangements made under Sec. 75 Agreements should ensure that all service users have equal access to services.

Corporate objectives and priorities for change

6.1 n/a

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 n/a