Joint Commissioning Boards arrangements across Children and Adult Services

Adult/Children Joint Commissoning Board

Date: March 2012

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Parish / Wards Affected: All

Purpose

- To discuss with members of the Joint Commissioning Boards potential changes to governance for the new National Health Services Act 2006 Section 75 Agreements

Recommendation

JCB is requested to discuss the proposals, make any amendments and recommend to FULL Council and NHS Swindon and Gloucestershire Cluster Board

- The potential changes to governance for the new National Health Services Act 2006 Section 75 Agreements
- Proposed Terms Of References for a Joint Commissioning Board across Adult and Children's Services (**Appendix 1**)

1. Reasons

1.1 Following the Cabinet report on the 15th October 2010 to develop two National Health Services Act 2006 Section 75 Agreements for the commissioning of adult services and the commissioning and provision of services for children, officers from NHS Swindon and Swindon Borough Council developed the agreements, which are now signed .

1.2 Both agreements have detailed governance schedules and there are currently two separate Joint Commissioning Boards monitoring the agreements.

1.3 During 2011, NHS Swindon joined with Gloucestershire PCT into a new cluster. There is now a new PCT cluster Executive team in place and Cluster Board. The Clinical Commissioning Group for Swindon is now operating as a Shadow Clinical Commissioning Board. Swindon Borough Council has re-organised its commissioning arrangements bringing together the commissioning of services for children, adults and families,

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Further information on the subject of this report can be obtained from Sue Wald on 01793 465713 or Email swald@swindon.gov.uk

1.4 In order to take account of those changes and to bring the commissioning of adult and children's services closer together, It is proposed to change the governance arrangements in line with **Appendix 2** and to:

- End the Children's Joint Commissioning Board
- End the Adults Joint Commissioning Board
- Establish a new Joint Commissioning Board for Adults and Children

2. Detail

2.1 Swindon Borough Council and NHS Swindon have delivered integrated services and integrated commissioning since 2008. In order to undertake to deliver integrated services and to jointly commission, it is necessary to have legal agreements in place. These are referred to a NHS Act 2006 section 75 Agreements.

2.2 There is a need for strong governance for both section 75 Agreements. This is currently undertaken by two separate committees: the Children's Joint Commissioning Board and the Adult Joint Commissioning Board.

2.3 The changes in management arrangements within the NHS and the Local Authority and the bringing together of children's and adult commissioning, now gives an opportunity to review the governance arrangements for the Section 75 agreements.

2.4 A small task group of officers and legal representatives have drafted a new set of terms of references for Directors to consider.

2.5 The new draft terms of References are based on the following recommendations and principles:

- A single Joint Commissioning Board (JCB) monitoring the existing section 75 Agreements across Children and Adult services.
- The JCB would act as a sub-committee of Cabinet and PCT Cluster Board
- **Joint Commissioning model as a joint committee.** This means the Joint Commissioning Board is a joint committee that makes a decision on day to day commissioning and strategic decision continue to go to Cabinet and Swindon PCT Board. Significant policy changes to delivery could not be made by this Board. It would also safeguard the role of PCT Board and cabinet in policy formation
- Membership would be three members of each the PCT and three elected Members of Swindon Borough Council

- Include carer and service users on the Board but with no more than 3 service users/carers
- 4 meetings per annum
- Quorum: 1 of each organisation
- The JCB would operate as a public meeting
- The current clauses on notice for meetings, dissolution, alterations to the Constitution, leaving the Board and interests of members would be maintained in the new arrangements

2.6 The benefits of a Joint Board are

- Strengthens governance and reflects the role of the new organisations, specifically in relation to health & Well-being Board and Clinical Commissioning Board
- Clarification of clear focus on commissioning
- Strengthens transition arrangements from children to adult services
- Less meetings
- The same officers would be attending children and adult JCBs, particularly under the new arrangements for PCT cluster and Stronger Together commissioning directorate

2.7 Following discussions with directors and agreement of the revised terms of references, there is a need to discuss these proposals brief the lead member for Adults and the Lead Member for Children's Services and the PCT Non - Executive Directors and members of the Clinical Commissioning group.

2.8 The proposals for a new JCB will then need to be discussed at the Children's Joint Commissioning Board and Adults Joint Commissioning Board with recommendations to Cabinet, Full Council and PCT Cluster Board for agreement

2.9 The proposed start date is 1st April 2012

Alternative Options

- Maintenance of separate Joint Commissioning Boards for Adult and Children

Risk Management

Financial and Procurement Implications

- The total budget for the section 75 Commissioning is in the region of approx £25million for children's services and £48 million for Adult services
- The total budget for the section 75 provision children is in the region of £9million

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Legal / Human Rights Implications

- Legal services will lead the development of terms of references for the proposed new Board
- The Strategy is informed by the priorities set out in the Community Strategy – A shared vision for Swindon 2008-2030, and One Swindon

Consultees

- The Director of Finance and the Director of Law and Corporate Governance are consulted on all reports
- PCT Cluster Chief Executive

Background Papers and Appendices

- **Appendix 1** – draft terms of references for Joint Commissioning Board
- **Appendix 2 Governance chart**

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