

DELEGATED POWERS REPORT NO.

2074

**SUBJECT: Contract with Hertfordshire Partnerships NHS Foundation Trust for Barnet's clients residing at Harperbury Hospital Campus**

**Control sheet**

**All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing**

<b>All reports</b>		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charlwood 11/06/2013
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 13/06/2013
3. Finance clearance obtained ( <i>report author to complete</i> )	Name of Fin. officer Date	Farhana Begum 24 June 2013
4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )	Name of Res. officer Date	Stephen Cranfield
5. Strategic Procurement clearance obtained ( <i>report author to complete</i> )	Name of SPO Date	Kevin Bates 1 July 2013
6. Legal clearance obtained from ( <i>report author to complete</i> )	Name of Legal officer Date	Stephen Dorrian 24 June 2013
7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )	Name of P&P officer Date	Andrew Nathan 24 June 2013
8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )	Name of officer Date	Andrew Nathan 24 June 2013
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Dawn Wakeling 11 July 2013
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Andrew Charlwood 29/07/2013
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 30/07/2013
12. Head of Service informed report is published	Name of GSO Date	Andrew Charlwood 30/07/2013
<b>Key decisions only:</b>		
13. Expiry of call-in period	Date	02/08/2013
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	Andrew Charlwood 30/07/2013

## ACTION TAKEN BY CABINET MEMBER (EXECUTIVE FUNCTION)

<b>Subject</b>	<b>Contract with Hertfordshire Partnerships NHS Foundation Trust for Barnet's clients residing at Harperbury Hospital Campus</b>
<b>Cabinet Member</b>	Cabinet Member for Adults
<b>Date of Decision</b>	26 July 2013
<b>Date of decision comes into effect</b>	3 August 2013

<b>Summary</b>	<p>In April 2010, the Council entered into a Section 75 Agreement with NHS Barnet Primary Care Trust, (now NHS Barnet Clinical Commissioning Group) for the creation of a pooled budget for the lifetime care and support of long-term Barnet campus clients provided by the Hertfordshire Partnerships NHS Foundation Trust.</p> <p>As a result of the Section 75 Agreement, the Council became lead commissioner for NHS Campus clients and took on responsibility for the commissioning of services as well as planning and resettling the Campus clients in community settings.</p> <p>The purpose of this delegated powers report is to secure Council's agreement to enter into contract with Hertfordshire Partnerships NHS Foundation Trust commencing 1 April 2013 and to ensure that outstanding payments due to the Provider in 2012/13 is made.</p>
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<b>Officer Contributors</b>	Dawn Wakeling - Adults and Communities Director Temmy Fasegha - Joint Commissioner- Mental Health and Learning Disability
<b>Status (public or exempt)</b>	Public (with separate exempt report)
<b>Wards affected</b>	All
<b>Enclosures</b>	None

Reason for exemption from call- N/A  
in (if appropriate)

Key decision Yes

Contact for further information: Temmy Fasegha – 020 8359 2841

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## **1. RELEVANT PREVIOUS DECISIONS**

- 1.1 Cabinet, 3 April 2008 (Decision item 12) – approved the entering into a Legal Agreement based on the agreed Heads of Terms with Barnet PCT to enable the section 256 agreement in respect of learning disability services to be implemented.
- 1.2 Other relevant previous decisions are as set out in the associated exempt report.

## **2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 2.1 In 2010, the Council and Barnet Primary Care Trust (now NHS Barnet Clinical Commissioning Group) entered into a Section 75 Agreement for the resettlement of NHS Campus clients to enable them to be supported to live in ordinary housing in their local community; to increase their independence and enable them access to health, social services and community opportunities.
- 2.2 The aims of the Section 75 Agreement are consistent with the aspirations set out in the government's White paper, 'Valuing People' 2001 and 'Valuing People Now' 2009 as well as the Council's 2013-2016 Corporate Plan priority, "Support families and individuals that need it – promoting independence, learning and well-being" by supporting vulnerable adults to live independent, active lives; providing high quality services and offering choice and flexibility.

## **3. RISK MANAGEMENT ISSUES**

- 3.1 As set out in the associated exempt report.

## **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 People with learning disabilities are one of the most marginalised groups, experiencing poor access to services as well as poor health and care outcomes. The service is expected to provide support to the long-term Campus clients with a view to preparing them to move on into more independent community settings.

## **5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

### **Procurement**

- 5.1 The Section 75 Agreement, which is for the lifetime of the individuals, sets out the Council's and NHS Barnet Clinical Commissioning Group's

(NHSB CCG) obligations including contracting directly with Hertfordshire Partnerships NHS Foundation Trust (HPFT). The Contract will be for a 2-year term with the option to extend by a further year. It will include contract variation clauses and will be reviewed annually to take account of the changes in the number of people in the Specialist Residential Service. The value of the contract in 2013/14 is £1,347,717 and £4,043,151 over the three years of the contract.

#### **Performance & Value for Money**

- 5.2 The Barnet Community Learning Disability Service is responsible for local case management and care coordination as well as for reviewing and updating the individual care plans of the Campus Clients alongside the HPFT team located on campus and the Continuing Healthcare Team in the CCG.
- 5.3 The contract with HPFT will be based on a 'cost and volume' framework with care costs identified for each individual named in the contract, in line with the terms set out in the section 75 Agreement. Cost reductions will be applied to the monthly invoices paid to HPFT as each individual is resettled in the community.

#### **Finance**

- 5.4 Funding for the contract with HPFT will be made from the Campus Reprovision Pooled Budget, set up for the lifetime care of the Barnet Campus Clients. The Pooled Budget is valued at £1.709m per annum with the Council and CCG contributing £886,900 and £822,200 respectively. The Section 75 Agreement also sets out the conditions for how the risks and benefits in the budget will be managed. Any overspend or underspend will be borne by the respective partner based on their contribution to the Pooled Budget.

### **6. LEGAL ISSUES**

- 6.1 Under Section 75 of the NHS Act 2006, health and social care organisations can make contributions to a common fund, to be spent on agreed projects or delivery of specific services or delegated functions. These arrangements are often referred to as 'Section 75 Agreements' or 'health act flexibilities'. The proposed Service Contract with HPFT fulfils the requirements set out in the Section 75 Agreement. It also ensures compliance with the Council's Corporate Procurement Rules.

### **7. CONSTITUTIONAL POWERS**

- 7.1 Council Constitution, Responsibility for Functions, Section 4.2 details the responsibilities of individual Cabinet Members. The Cabinet Member for Adults has responsibility to promote the best possible adult social care services and seamless care in the community by working

with and optimising all opportunities offered by other providers to further these aims.

- 7.2 Council Constitution, Responsibility for Functions, Section 4.3 enables Cabinet Members to authorise inviting tenders for and acceptance of tenders or quotations in accordance with the Contract Procedure Rules. Acceptance must be following consultation with the Cabinet Member for Resources and Performance.
- 7.3 Council Constitution, Contract Procedure Rules – Section 14.1 provides that placement agreements for individuals in social care may be varied or extended without reference to the variation or extension acceptance levels and documentation set out in Table 1, Appendix A .
- 7.4 Council Constitution, Contract Procedure Rules – Table 1, Appendix A provides that Cabinet Members can accept contracts with a value over £500,000.

## **8. BACKGROUND INFORMATION**

- 8.1 Following the ‘Valuing People Now Consultation’ paper in 2007, the Department of Health required that the commissioning and funding of social care for adults with learning disabilities be transferred from the NHS to local authorities. Funding for specialist healthcare, forensic services and continuing healthcare will remain the responsibility of NHS Barnet CCG.
- 8.2 In this context, CCG and the Council entered into a Section 75 Agreement for a pooled budget for the resettlement and lifetime care of ten long-term Barnet Campus Clients with learning disabilities from Harperbury Hospital Campus as part of the ‘campus closure programme’ mandated by the Department of Health.
- 8.3 Other relevant background information is set out in the associated exempt report

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 None

## **10. CABINET MEMBER’S DECISION**

**That, following consultation with the Cabinet Member for Resources and Performance, I authorise the following actions:**

- 10.1 The Council, as the Lead Commissioner for the Campus Clients subject of the Section 75 Agreement for Campus Re provision,**

**enters into contract with Hertfordshire Partnerships NHS Foundation Trust, for the provision of Specialist Residential Services at Harperbury Hospital Campus commencing 1 April 2013, for a 2-year term with the option for a further 1-year extension at an annual value of £1,347,717.**

**10.2 The Council releases funds for the outstanding 2012/13 payment of £111,013.83 that is due to Hertfordshire Partnerships NHS Foundation Trust for the specialist residential services.**

**Signed**

**Councillor Sachin Rajput**

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**Cabinet Member for Adults**

**Date**

**26 July 2013**

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