

## Summary Delegated Powers Report

<b>TITLE</b>	Variation of the Section 75 Agreement for the commissioning of learning disability services and the establishment and maintenance of a Pooled Fund
<b>DATE OF DECISION</b>	16 <sup>th</sup> February 2016
<b>DECISION TAKER</b>	Dawn Wakeling – Adults and Health Commissioning Director and Director of Adult Social Services
<b>SUMMARY OF DECISION</b>	<p>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 remained the responsibility of NHS Barnet CCG.</p> <p>In this context, 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 ten long term Barnet campus clients provided by the Hertfordshire Partnerships NHS Foundation Trust, as part of the ‘campus closure programme’ mandated by the Department of Health.</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 Section 75 Agreement has no inherent value attached to it and is not subject to procurement. It is an agreement that sets out the terms of the partnership between the two responsible authorities.</p> <p>The variation of this Section 75 Agreement is required in order to ensure that the Agreement is updated and corrected. These amendments are not substantial and are in-line with the findings and recommendations made by an internal Barnet audit of all Section 75 Agreements in December 2015 and are as follows:-</p> <ul style="list-style-type: none"> <li>• the inclusion of a new schedule 8 (“Terms of Reference Winterbourne Steering Group ) and the deletion of the previous schedule 8 (“Campus Partnership Board Terms of Reference”)</li> </ul>

	<ul style="list-style-type: none"> <li>• the inclusion of a new schedule 11 (Terms of reference of the Joint Commissioning Executive Group)</li> <li>• Clause 1.1 Definitions – Pooled Budget Manager - the deletion of “11.5” and the insertion of “4.5”</li> </ul> <p>Variations and extensions to Section 75 Agreements are within the delegated powers of the Director of Adult Social Services.</p>
<b>AUDIT TRAIL OF DECISION – RETAINED AND WHERE?</b>	‘AUDIT TRAIL RETAINED WITHIN COMMISSIONING GROUP’

### **DECISION TAKER’S STATEMENT**

*I have the required powers to make the decision documented in this report. I am responsible for the report’s content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

### **I authorise the above decision**

**Signed**            **Dawn Wakeling**

**Designation**    Adults and Health Commissioning Director and  
Director of Adult Social Services

**Date**             **16<sup>th</sup> February 2016**

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