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| The London Borough of Hackney Integrated Commissioning Sub-Committee Terms of Reference Amendment Key Decision No - CE S021 | |
| CABINET MEETING DATE (2021/22) 13 September 2021 | CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report. |
| WARD(S) AFFECTED All | |
| CABINET MEMBER Mayor Glanville | |
| KEY DECISION Yes REASON Affects two or more wards | |
| GROUP DIRECTOR Ian Williams, Acting Chief Executive and Section 151 Officer | |

1. CABINET MEMBER'S INTRODUCTION

- 1.1. The role of collaborative working between the Council and NHS remains critical to tackling health inequalities for the borough's residents. We recognise this as a priority in the Corporate Plan and value the collaborative work we undertake with our partners across the North East London footprint. The development of the North East London Integrated Care System (NEL ICS) and the City and Hackney Integrated Care Partnership (C&H ICP) represents an opportunity to drive strategic change across the borough and provide better health and social care outcomes for the people of Hackney.
- 1.2. The discussion around closer integration of social care and health services evolves over time, and we have the chance to reflect on the new ways of working we have gained as a result of the Coronavirus pandemic. However, this change to the Integrated Commissioning Sub-Committee terms of

reference enables us to continue this journey in partnership with the NHS and City of London Corporation, while ensuring we have open and democratically accountable governance arrangements in place.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. This report proposes several amendments to the London Borough of Hackney Integrated Commissioning Sub-Committee Terms of Reference. The Sub-Committee operates as part of the joint working relationship between the Council, the City of London Corporation and the North East London Clinical Commissioning Group (NEL CCG). The committee-in-common arrangements are referred to collectively as the Integrated Commissioning Board. The changes reflect how these governance arrangements are evolving as a result of the development of the NEL ICS and C&H ICP.
- 2.2. Underpinning the work of the Integrated Commissioning Board is a commitment to joint working in a number of critical areas of health and social care. This is supported by a pooled budget arrangement, using section 75 of the NHS Act 2006. This includes - Better Care fund; Improved Better Care Fund and Learning Disabilities Commissioning.
- 2.3. In 2020/21 the Council's contribution consisted of £38.5 million in pooled budgets and £75.4 million in aligned budgets (£114 million in total).
- 2.4. The proposed changes ensure that the Sub-Committee terms of reference remain aligned with the development of the NEL ICS.

3. RECOMMENDATION(S)

Cabinet is asked:

To approve the amended terms of reference for the London Borough of Hackney Integrated Commissioning Sub-Committee.

4. REASONS FOR DECISION

- 4.1. The recommendation to amend the terms of reference will ensure that the Sub-Committee remains linked with the operation of the Integrated Commissioning Board and the NEL ICS in 2021 and 2022.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1. The alternative options include:

- 5.1.1. Reverting the Sub-Committee's delegated authority to the Cabinet. However, this would prove impractical to administer alongside the Committee-in-Common arrangements with the NEL ICS and City of London Corporation.

5.1.2. Deferring the decision until a later date. This would mean the Sub-Committee would operate under its outdated terms of reference and leave it out of alignment with the other governance changes happening across the NEL footprint.

5.1.3. Delegating authority to officers to implement all decisions connected with the NEL ICS arrangements. This is not considered preferable as it removes elected members from the process and reduces their democratic accountability and power to make decisions.

6. BACKGROUND

6.1. Policy Context

6.2. The closer integration of health and social care services remains an integral policy driver for both local authorities and the NHS. In the case of Hackney, priority five of the Corporate Plan (“Community Wellbeing and Tackling Health Inequalities”) specifies - “An integrated health and care system remains key to meeting population health needs and tackling inequalities. We continue to work closely with our colleagues in health to join up plans to deliver locally accountable and integrated services.”

6.3. The C&H ICP and its governance arrangements remain a critical part of delivering the corporate priority through these integrated services. The C&H ICP Board is the non-statutory partnership body that brings together representatives from across the C&H ICP area to make decisions on policy matters relating to the C&H ICP and on matters that the Member organisations have asked it to manage on its behalf.

6.4. It includes representatives from:

London Borough of Hackney
Corporation of London
North East London Clinical Commissioning Group (NEL CCG)
Homerton

6.5. It was first established in April 2017, following a decision by Cabinet in February 2017.

6.6. Underpinning the C&H ICP is a pooled budget arrangement, using section 75 of the NHS Act 2006. This includes - Better Care fund; Improved Better Care Fund and Learning Disabilities Commissioning. The current Section 75 arrangements between the Council and the NEL CCG commenced in 2019 and are set to expire in 2022.

6.7. In 2020/21 the Council’s contribution consisted of £38.5 million in pooled budgets and £75.4 million in aligned budgets (£114 million in total). These

budgets are allocated through the Council's budget setting process, and regular reporting to Cabinet through the Overall Financial Position (OFP).

- 6.8. The proposed amendments to the terms of reference will enable the shared governance mechanisms to remain in place and fit for purpose as the transition is made to the Integrated Care Partnership in April 2022. They will be subject to further review when an extension of the Section 75 arrangements is considered in 2022.

6.9. Equality Impact Assessment

- 6.10. There are no equalities impacts as a result of the amendments being proposed or approved. This is a constitutional change and the decision does not impact the operation of the C&H ICP or the services provided.

6.11. Sustainability

- 6.12. There is no impact to the social or physical environment as a result of this amendment. It is a constitutional change and does not impact the operation of the C&H ICP.

6.13. Consultations

- 6.14. Consultations on the development of the Integrated Care System are being undertaken by the NEL Clinical Commissioning Group. C&H ICP Board members have reviewed the proposed terms of reference amendments at meetings several times over 2021, and the amendments were endorsed by the Sub-Committee on 8 July 2021.

6.15. Risk Assessment

- 6.16. There are no risks associated with this update of the terms of reference. They remain under regular review by the C&H ICP Board and Cabinet can amend them to accommodate changes in the future, should governance risks arise.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 This report recommends that Cabinet approves the amended terms of reference for the London Borough of Hackney Integrated Commissioning Sub-Committee, in order to ensure the Sub-Committee remains linked with the operation of the Integrated Commissioning Board and the North East London Integrated Care System (NEL ICS) in 2021 and 2022.
- 7.2 As highlighted in section 6 of this report, underpinning the C&H ICP is an integrated commissioning pooled budget arrangement, governed by a Section 75 agreement which was first established in April 2017, following a decision by Cabinet in February 2017. The current Section 75 arrangement between the

Council and the NEL CCG commenced in 2019, and is set to expire on 31 March 2022. As per the governance arrangements in place the members of the LBH Committee and the CCG Committee will continue to manage the Pooled Funds for which they have been assigned authority in accordance with a Section 75 agreement in place between the Council and the NEL CCG (“Hackney Pooled Funds”).

- 7.3 There are no financial risks associated with this updated terms of reference, as this will enable the shared governance mechanisms to remain in place as the transition is made to the Integrated Care Partnership in April 2022. The terms of reference will be reviewed at least annually to coincide with the review and extension of the Section 75 agreements.

8. VAT Implications on Land & Property Transactions

- 8.1 Not applicable.

9. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 9.1. The London Borough of Hackney Integrated Commissioning Sub-Committee operates as a Sub-Committee of the Cabinet. Article Five of the Constitution of the Council specifies that the Mayor may delegate functions to be carried out by the Cabinet collectively, or by another member of the Executive, by a committee of the Executive, or, by an Officer of the Council.
- 9.2. Article Five also specifies that the Committee has been authorised by Cabinet to make decisions and manage pooled funds with the NHS City and Hackney Clinical Commissioning Group in accordance with the Committee’s terms of reference and schemes of delegation.
- 9.3. The Sub-Committee operates in a Committee-In-Common arrangement with the City of London Corporation and NEL CCG. This means that the Sub-Committee meets at the same time as the Sub-Committees of the partner organisations, and has delegated authority to make decisions pertaining to these pooled funds under the Section 75 agreement in place with the CCG. Any decision required can only be approved by the Sub-Committee membership for the London Borough of Hackney.
- 9.4. The Sub-Committee is subject to the same Access to Information Procedure Rules as any Committee of the Council, as well as the Cabinet Procedure Rules, and these are set out in the Council’s Constitution under Part 4.
- 9.4. Subject to approval, the proposed amendments to the terms of reference would be incorporated into the Constitution.

APPENDICES

Appendix 1 - Updated Terms of Reference for The London Borough of Hackney Integrated Commissioning Sub-Committee.

EXEMPT

N/A

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None.

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| Report Author | Andrew Spragg Governance Services Team Leader andrew.spragg@hackney.gov.uk |
| Comments for the Group Director of Finance and Resources | Reza Paruk Head of Finance (Adults, Health & Integration) reza.paruk@hackney.gov.uk |
| Comments for the Director of Legal & Governance | Georgia Lazari, Team Leader (Places), Legal & Governance Services Tel: 0208 356 1369 Email: Georgia.Lazari@Hackney.gov.uk |