

Better Care Fund Partnership Agreement (DRAFT)

Purpose

The Government have established a Better Care Fund of £3.8 billion to be distributed across all local authorities for health and social care, with the aim of developing a more integrated system.

The primary purpose of the Joint Commissioning Board is to: reduce inequalities in health and social care provision *and* to provide the optimum range of services to address all health and social care needs, taking full account of national and local priorities.

The Partnership comprises of:

- Warwickshire County Council
 - People Group
 - Public Health
- South Warwickshire Clinical Commissioning Group
- Warwickshire North Clinical Commissioning Group
- Coventry & Rugby Clinical Commissioning Group

Aim

To progress the integration of NHS, social care, public health and related services for the benefit of Warwickshire residents.

Objectives

The objective of this Partnership is to secure, through commissioning, effective services for the population of Warwickshire for whom the Partners have responsibilities. This agreement aims to set out clearly the undertakings given by each of the Partners and the intended basis of their relationship. It is the intention of the partners to operate the agreement in a spirit of mutual trust as Partners and to:

- Establish and maintain appropriate joint commissioning arrangements, and review their effectiveness annually.
- To achieve this, the Partners will take into account the Joint Strategic Needs Assessment and alignment to the Health and Wellbeing Strategy for Warwickshire, will develop appropriate and effective joint commissioning plans in accordance with the priorities and will ensure that services are jointly commissioned on the basis of evidence of:
 - need
 - best practice in tackling need
 - best value
 - robust financial planning and management
 - risk management
 - locally determined and agreed priorities
- Ensure that commissioned services meet the required standards and quality of care.
- The Partners will develop a Joint Performance Management Framework to ensure that the Partners know what the joint arrangements are aiming for (for example; outcomes, purpose, mission, corporate aims, strategic goals, project objectives, etc) and set out:

- (ii) what the partners have to do to meet these aims (e.g. business plan, project plan, etc);
 - (iii) what the priorities are, and ensuring that there are sufficient resources
 - (iv) what the current performance is through monitoring and reporting;
 - (v) how to review progress, detect problems and take action in a timely manner to ensure the outcome is achieved;
- Establish and manage a contract performance management framework for those services jointly commissioned, and deliver to agreed targets.
 - Create the right environment to develop a high quality innovative health and social care market that delivers value for money and achieves outcomes for patients/users of services.
 - Identify and agree the budgets covered by the joint commissioning plans, and to be included in any formal arrangement under section 75 of the NHS Act 2006, and make financial decisions within an agreed scheme of delegation
 - Identify individual and collective financial and other relevant risks and agree risk-sharing arrangements for each jointly commissioned service.
 - Establish appropriate and rigorous financial accountability mechanisms to ensure that any formal agreement is fully implemented, and all contributed funds are used effectively for the intended purpose within agreed limits
 - Recommend to the constituent partners any remedial action that needs to be taken should financial and/or service performance fall below agreed standards and performance.
 - Ensure that joint commissioning developments and arrangements are aligned across all health, social care and related services to ensure effective transition arrangements where applicable
 - Ensure that public, patients, service users and carers are given the opportunity to shape how services are organised and provided
 - Ensure that statutory duties and responsibilities of relevant partners are discharged by jointly commissioned services, including safeguarding responsibilities in respect of Children and vulnerable adults
 - Ensure that all joint commissioning meets the requirements of the Equality Act and undertake an Equality Impact Assessment for service developments or significant service changes.

Commitments of the Partners

The Partners jointly undertake:

- to jointly commission services that are responsive to the needs of the population in accordance with agreed priorities and service standards;
- to ensure the relationship between the Council and the Clinical Commissioning Groups are developed and defined;
- to develop a Joint Performance Management Framework;

- to provide the Pooled Fund with sufficient funding, resources and other support to ensure that Services can be commissioned effectively;
- to take account of each others' strategic objectives as set out in any strategic planning documents;
- to align initiatives with the intention of improving the health and well being of the general population.

Corporate Governance

The Strategic Director of the People Group will keep the Council informed of any issues requiring their attention that arise from discussions at the Joint Commissioning Board.

The Clinical Commissioning Board respective representatives will keep the CCGs governing bodies informed of any issues requiring their attention that arise from discussions at the Joint Commissioning Board.

The Joint Commissioning Board will report progress to their respective governing bodies and the Health & Wellbeing Board.

Financial Arrangements and Governance

The commissioning responsibilities of the Clinical Commissioning Groups and the Council placed into any total pool will be governed by the Joint Commissioning Board.

The Joint Commissioning Board will receive appropriate financial and performance reports to support strategic decision making and budget management.

Sharing and Handling of Information

When it obtains access to Personal Data (as defined in the DPA) obtained by or in the possession of any other Partner, each Partner and it's employees will duly observe all their obligations under the DPA which arise in connection with this Partnership.

The partners will share information about clients in order to improve the quality of care provided to that service user. This is subject to the agreement of the service user, the law and the joint information sharing protocol (attached as appendix 1).

Disputes

The Partners will use their best efforts to negotiate in good faith and settle any dispute that may arise out of or relate to this agreement. If any dispute cannot be settled amicably through ordinary negotiations then it shall be referred to the Chief Operating Office of each respective clinical commissioning group and the Strategic Director for the People Group for discussion and resolution.

In the event that such person cannot resolve the dispute between themselves within a reasonable period of time having regard to the nature of the dispute, the Partners may refer the matter to the Chief Executive of the Council and respective Chairs of the Clinical Commissioning Groups.

If the dispute remains unresolved the Partners will request the Strategic Health Authority or other relevant Regional body to agree how the matter should be decided. The decision taken as a result of this process will be binding on both Partners.

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