

# Corporate Policy and Strategy Committee

Thursday, 12 April 2016

## Health & Social Care Integration Partnership Tripartite Agreement and Interface Group

Item number	7.9
Report number	
Executive/routine	
Wards	ALL

### Executive summary

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The City of Edinburgh Council and NHS Lothian (the parties) have established an Edinburgh Integration Joint Board (EIJB) in order to integrate health and social care functions in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

This requires the parties to delegate functions and resources to the EIJB for the purposes of strategic planning, resourcing and operational oversight.

In addition, the parties have agreed to an integrated operational management structure for the delivery of functions in line with EIJB directions.

The governance arrangements are complex and matters are further complicated by the current financial climate and by sharing risk for the functions and budgets. This report proposes two key mechanisms to help manage the complexities which are in addition to, and do not supersede, the legal agreement established between the parties within the Integration Scheme.

## Health & Social Care Integration Partnership Tripartite Agreement and Interface Group

### Recommendations

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- 1.1 Agree the Tripartite Agreement as a statement of principle and intention for joint working;
- 1.2 Agree that the Chief Executive signs on behalf of the Council;
- 1.3 Agree the purpose, remit and membership of the Interface Group and note that it will be reviewed after one year; and
- 1.4 Note that both are informal mechanisms in order to establish principles of behaviour and transparency in the interest of strong partnership working.

### Background

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- 2.1 Edinburgh Health and Social Care Partnership (EHSCP) comprises the EIJB, NHS Lothian (NHSL) and the City of Edinburgh Council (the Council). The Integration Scheme, which is a legal document, sets out legal roles, responsibilities and expectations for the three parties under the new statutory arrangements.
- 2.2 In summary, the Council and NHSL will set the budget for the EIJB each year. The EIJB will direct the Council and NHSL to deliver services in line with its Strategic Plan and associated resources. NHSL and the Council will deliver on these directions and have already agreed to do so through an integrated management structure.
- 2.3 The effect of the legislation and the integrated management structure means that the three parties will now share responsibility and accountability for delivering the integration functions, with each party responsible for different but interwoven aspects of funding, governing, planning, directing, delivering and monitoring/reporting on performance.
- 2.4 Additional complexity comes in the form of; the 'set-aside' budget for functions which will be delivered through hospital sites; interim management arrangements for mental health functions pending the re-provision of The Royal Edinburgh Hospital; and high demand for services at a time of severe financial constraint.

- 2.5 This is a complex and demanding arrangement, across a very wide range of services that are being brought together in this way for the first time. The Chief Officer's role is to steer a course through this complexity, however, in reality this must be a coordinated approach from all three parties as expected by the policy aspirations of the legislation.

## Main report

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- 3.1 The establishment of the EIJB and all that this has entailed has been governed by a Joint Leadership Group of Council and NHS Lothian leaders. From the 1 April the EIJB will be fully operational and have functions delegated to it. As agreed, the Joint Leadership Group will stand down at this point; its task completed.
- 3.2 The EIJB will take over responsibility for planning, directing, resourcing and overseeing the delivery of the functions. The Council and NHS Lothian will remain responsible for setting the EIJB budget and for the operational delivery in line with directions. The whole arrangement will be known as the Edinburgh Health and Social Care Partnership (EHSCP).
- 3.3 Given these demanding circumstances, the senior leaders across all three parties are clear that it will be helpful to establish and agree 'working principles' and to facilitate regular discussion of relevant financial and operational matters between all three parties so that the complexity can be well managed.
- 3.4 This is particularly so for the first year of EHSCP when a number of major changes are being rolled out; for example the issuing of directions for the first time, managing the 'joint' budget and managing the risks of embedding an integrated management structure.
- 3.5 To that end, the Chairman of the EIJB, the Chairman of NHS Lothian and the Leader of the Council jointly propose the following:

### **Tripartite Agreement**

- 3.6 A Tripartite Agreement: this sets out the working principles for behaviour across all three parties. This supports the description of roles and responsibilities within the Integration Scheme by describing expected behaviours and will help to continue to build trust and ensure safe and effective service delivery. The draft is provided in Appendix 1.

### **Interface Group**

- 3.7 An informal 'Interface Group': a group with a legitimate remit to discuss ongoing financial and operational matters which require senior leadership input. This could include matters such as the impact of major demand pressures on future

years' budgets, operational responses to directions and the management of risk across the three parties.

- 3.8 The group is intended to facilitate discussion to support the Chief Officer to steer a course through the complexity. It has no formal role. Legal roles are set out in statute and in the Integration Scheme. The group will be chaired by the Chair of the IJB.
- 3.9 The proposed purpose, remit and membership are outlined in Appendix 2 and will be reviewed after one year.
- 3.10 The EIJB agreed to the Tripartite Agreement and the Interface Group at its meeting on 11 March. It agreed that the Chairman of the EIJB would sign on its behalf. The Chief Executive of NHS Lothian is empowered to and will sign on behalf of NHS Lothian. It is recommended that the Chief Executive of the Council signs on behalf of the Council.

## **Financial impact**

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- 5.1 There are no direct financial implications of this report.
- 5.2 The intention of the informal Interface Group is to ensure regular opportunities for all parties to have open and transparent dialogue on matters of finance and risk in relation to the EIJB and the delivery of the integration functions.

## **Risk, policy, compliance and governance impact**

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- 6.1 The roles of the relevant parties within the EHSCP are clearly spelled out in the Integration Scheme. In reality, the effect of these roles and responsibilities is that all three parties now share responsibility and risk for the integration functions.
- 6.2 The national Audit Scotland report on integration authorities highlights that "there is a risk that the complex interrelationship between IJBs, Councils and NHS Boards will get in the way of clear lines of accountability. The key to this is clear roles and responsibilities".
- 6.3 While roles and responsibilities are clear in the Integration Scheme, it is likely that there will be a transition period during which the new arrangements are embedded and tested. The Interface Group will provide a regular opportunity for discussion to ensure a common understanding.
- 6.4 The EIJB has established an Audit and Risk Committee.

- 6.5 Work is ongoing to establish the Risk Strategy and integrated risk register for the EIJB.
- 6.6 Organisation level risks for the Council and NHS Lothian related to integration are identified on Council and NHS Lothian appropriate risk registers.

## **Equalities impact**

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- 7.1 The integration of health and social care services aims to overcome some of the current 'disconnects' within and between existing health and social care services for adults, to improve pathways of care, and to improve outcomes.
- 7.2 Furthermore, the intention is to improve access to the most appropriate health treatments and care. This is in line with the human right to health.
- 7.3 A Combined Impact Assessment has been developed for integrated social care and health services.

## **Sustainability impact**

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- 8.1 The proposals in this report will help achieve a sustainable Edinburgh because:
- joint health and social care resources will be used more effectively to meet and manage the demand for health and care services;
  - they will promote personal wellbeing of older people and other adults in needs of health and social care services; and
  - they will promote social inclusion of and care for a range of vulnerable individuals.

## **Consultation and engagement**

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- 9.1 A wide variety of stakeholders have been engaged in a number of strands of work within the whole integration programme. This includes extensive consultation in relation to the Integration Scheme and in depth engagement in the production of the EIJB Strategic Plan.
- 9.2 The Council was consulted on the EIJB Strategic Plan via Corporate Policy and Strategy Committee on 24 February 2016.

## **Background reading/external references**

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Monthly Update Reports to Finance and Resources Committee since 2014.

[Corporate Policy and Strategy Committee 24 February 2016, Edinburgh Health and Social care Partnership- Strategic Plan.](#)

[City of Edinburgh Council, 12 March 2015 – Health and Social Care Integration Scheme – Final for Submission.](#)

[Draft Regulations Relating to Public Bodies \(Joint Working\) \(Scotland\) Act 2014 Set 1.](#)

[Draft Regulations Relating to Public Bodies \(Joint Working\) \(Scotland\) Act 2014 Set 2.](#)

Corporate Policy & Strategy Committee, 5 August 2014 - Health and Social Care Integration: Technical Options Analysis of Integration Models

Summary of the Regulations to support the Public Bodies (Joint Working) Scotland) Act 2014

Corporate Policy and Strategy Committee - 13 May 2014, Health and Social Care Integration Update.

Finance and Resources Committee - 7 May 2014, Health and Social Care Integration Update (TBC).

Corporate Policy and Strategy Committee – 6 August 2013 – City of Edinburgh Council proposed Response to Public Bodies (Joint Working) (Scotland) Bill.

## **Rob McCulloch-Graham**

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## **Links**

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<b>Coalition pledges</b>	Ensuring Edinburgh and its residents are well cared for.
<b>Council outcomes</b>	Health and Wellbeing are improved in Edinburgh and there is a high quality of care and protection for those who need it.
<b>Single Outcome Agreement</b>	Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Tripartite Agreement</li><li>2. Partnership Interface Group, Purpose, Remit and Membership</li></ol>

## **Appendix 1: Tripartite Agreement between Edinburgh Integration Joint Board (EIJB), NHS Lothian and City of Edinburgh Council**

This tripartite agreement sets out the principles by which the above parties intend to operate for the safe, effective and efficient delivery of delegated health and social care functions for the people of Edinburgh to meet the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014.

It is intended to:

- support the Integration Scheme, which sets out the arrangements for the establishment of the EIJB and roles and responsibilities with regards to the Public Bodies (Joint Working) (Scotland) Act 2014;
- describe a way of working between all parties which recognises that they now share duties, powers, responsibility and risks in relation to the delegated functions;
- ensure compliance with the statutory regulations and guidance (such as the National Outcomes and the Integration Planning Principles) in the spirit, as well as the letter, of the law; and
- ensure open lines of communication and dialogue.

### **The Edinburgh Integration Joint Board, City of Edinburgh Council and NHS Lothian will:**

- Develop a unity of direction and purpose for the delegated services, led by the EIJB and delivered through Chief Officer.
- Be transparent in their operations - for example in relation to appropriate decision-making, financial management, resource deployment and performance/delivery of outcomes;
- Abide by the Integration Planning Principles and in particular, deliver services in an integrated way which maximises the benefit to people who use them, for example through co-location of staff, integrated management, virtual teams;
- Share sovereignty, according to statutory roles and responsibilities, in a way which maximises the benefits to people who use our services;
- Innovate and test alternative models of service delivery and be responsive to feedback and learning from a wide range of stakeholders, including staff and people who use our services;
- Raise risks and issues in a timely manner and manage risks in a way which is shared appropriately between the parties;
- Provide professional, technical and administrative support in a coordinated way which supports streamlined operation of the integrated arrangements;
- Escalate concerns or issues, where there is potential for dispute or negative impact on service, through the Interface Group in the first instance, prior to initiating the Dispute Resolution Process outlined in the Integration Scheme.

Signed by Chair of Edinburgh Integration Joint Board

Date:

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Print: George Walker

Signed by Chief Executive of City of Edinburgh Council

Date:

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Print: Andrew Kerr

Signed by Chief Executive of NHS Lothian

Date:

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Print: Tim Davidson



## **Appendix 2: Edinburgh Health and Social Care Partnership Interface Group (Draft for Approval)**

### **Context**

The leadership arrangements set up to establish the Integration Joint Board will stand down from 1 April 2016 following delegation of functions.

The Council's Internal Audit report in August 2015 noted the need for a group to replace the Leadership Group which allowed for the parties to have open dialogue when necessary and for a clear remit to be developed.

Furthermore, the Audit Scotland report: [Health and Social Care Integration](#) , published in December 2015, recommends that parties set out clearly how governance arrangements will work in practice particularly when disagreements arise, to minimise the risk of confusing lines of accountability and to ensure constructive working relationships exist between all parties, Chief Officer and Chief Finance officer.

The remit is drafted on the basis of legitimate discussions that can take place between the 3 constituent parties within the new legislative framework which also acknowledges that all three parties now share powers, responsibility and risk for the delegated functions.

This group does not have a formal governance role and the legislative role of the EIJB is not affected.

### **Purpose of the Group**

- To ensure open dialogue between the constituent parties of the Health and Social Care Partnership i.e. NHS Lothian, City of Edinburgh Council and the Edinburgh Integration Joint Board during the first year of the Integration Joint Board.

### **Remit**

- To discuss financial matters in relation to future years' budget setting;
- To discuss and mitigate financial and other risks to the operation of the EIJB and associated Health and Social Care Partnership;
- To discuss and resolve any delivery issues in relation to EIJB directions; for example, where proposals exist to commission or decommission in new/different ways (overspends and under spends);
- To provide a first point of discussion on any operational matters in relation to directions which may need to be addressed jointly by the parties; and
- To provide the first point of discussion to avoid formal dispute mechanisms as outlined in the Integration Scheme.

### **Proposed membership**

Chair of the Edinburgh IJB (Chair of Interface Group)

Vice Chair of Edinburgh IJB

Chief Executive of Council

Chief Executive of NHS Lothian

Chief Officer or Health and Social Care Partnership

Director of Finance, NHS Lothian

Council S95 Officer – Head of Finance

Integration Joint Board S95 Officer – Chief Finance Officer

Others as required

### **Frequency (during 16/17)**

- This group would commence when the Integration Leadership Group stands down in April 2016.
- Quarterly, linked to financial reporting regimes, with a minimum one per year prior to budget setting in relation to mid year forecast ( for example)
- It may be necessary to call at short notice if required to avoid any emerging disputes
- Purpose, remit and frequency to be reviewed in April 16/17.

### **Operation**

The group will:

- ensure that the Edinburgh Integration Scheme is supported; and
- abide by the principles of the Integration Tripartite Agreement.