

**Meeting:** Council **Date:** 23 February 2017

**Wards Affected:** All

**Report Title:** Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** As soon as possible

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## 1. Proposal and Introduction

- 1.1 This is the Annual Strategic Agreement (ASA) which sets out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust). The ASA covers the period 01 April 2017 to 31 March 2018
- 1.2 The report also sets out a proposal to establish an Adult Services and Public Health Monitoring Group whose role will be to provide oversight of the changes in both adult services and public health as a result of local, regional and national pressures.
- 1.3 A significant development is the notice of withdrawal from the Risk Share Agreement that has been served in December 2016 by Torbay and South Devon NHS Foundation Trust. This is covered in the Supporting Information (4).

## 2. Reason for Proposal

- 2.1 The Annual Strategic Agreement sets out the strategic direction which is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require the Trust to meet and forms the basis on which performance can be monitoring and managed.

- 2.2 The establishment of the Monitoring Group will ensure that there is an opportunity for members to gain an understanding of the issues around adult social care and public health, to review and discuss performance and financial monitoring data and to have oversight of the development of future Agreements given that the ICO has given notice to withdraw from the Risk Share Agreement.
- 2.3 Due to the expiry of the Risk Share Agreement on the 31 December 2017, the approval of the recommendation in respect of the ASA is applicable for the nine (9) months of the financial year beginning 01 April 2017. Negotiations will take place during this period and alternative arrangements will be presented to the council for further approval as appropriate.
- 2.4 The further developments in respect of performance and savings schemes which are presently within the NHS planning cycle, will be presented to council for approval in July 2017
- 2.5 A draft of the Operational Plan is submitted as an Exempt Appendix for context. It is currently in the process of ratification through the NHS governance framework.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved for the period to 31 December 2017.
- 3.2 That a Adult Services and Public Health Monitoring Working Party be established comprising 5 members (to be politically balanced), with the Executive Lead for Adults and Children and the Executive Lead for Health and Wellbeing and the Directors of Adult Services and Public Health being invited to attend meetings, with terms of reference as follows:
- (a) To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Directors of Adult Services and Public Health.
  - (b) To understand the key priorities for Adult Services and Public Health.
  - (c) To be fully briefed on the changes within Adult Services and Public Health especially in respect of the arrangements with the Integrated Care Organisation, changes arising from the Devon-wide Sustainability and Transformation Plan and changes in Government legislation and/or guidance.
  - (d) To understand the financial situation in relation to Adult Services and Public Health.

#### **4. Supporting Information**

- 4.1 Torbay and South Devon NHS Foundation Trust has given notice to the Council, and CCG, that it intends to withdraw from the Risk Share Agreement with effect from 1 January 2018.
- 4.2 This is not step which the ICO has taken lightly and the ICO, and other partners, remain committed to finding and securing partnership solutions, which ensure the delivery of joined up, integrated and effective health and care to people living in Torbay. However, the Trust was unable to reconcile the current Risk Share Agreement with the provision and requirements of NHS planning guidance for 2017/18, hence the Trust's decision to give notice.
- 4.3 The Trust, the Council and CCG are committed to working in partnership to renegotiate the RSA, or find an alternative mechanism which delivers similar outcomes but is mutually acceptable to all parties and aligned with national planning guidance for the NHS and the local authority.
- 4.4 As part of this, work is underway to revise savings plans for the coming year in a way which meet the challenges which local services will face in 2017/18 and sets a foundation for 2018/19 and beyond. Because this is work in progress the Trust's Operational Plan has not yet been confirmed by the NHS nationally and is therefore not available for public consideration. A draft of the Plan is available to members as an Exempt Appendix. Whilst there are a series of elements that continue to be developed there is a sound knowledge of activities in relation to Adult Social Care and these are articulated in the attached Annual Strategic Agreement.
- 4.5 A number of place-based, system wide, savings programmes have been developed which are designed to have whole system impact in Torbay (and South Devon). These include:
- Community Services (focusing on the implementation of the new model of care which includes closer and more integrated working between adult social care, community health services and primary care).
  - Placed people (focusing on people placed in care homes whether funded through adult social care or Continuing Health Care).
  - Prevention (focusing on the prevention and self care and reducing reliance on formal health and care services).
  - Market Management (focusing on developing innovative solutions increase capacity and availability in domiciliary, residential and nursing home care services).
- 4.6 The ASA will ultimately form part of the Trust's Operational Plan. It is envisaged that the Operational Plan will be presented to Council in July 2017.
- 4.7 In moving forward to renegotiate the Risk Share Agreement, it is important that members have an oversight of both Adult Services and Public Health. It is proposed that a Monitoring Working Party is established to mirror the Children's Services Monitoring Working Party. This will enable a group of members to meet informally to review performance and financial monitoring information. The

Working Party will also be briefed on the changes to Adults Services and Public Health coming through the system as a result of local, regional and national pressures.

4.8 The Working Party will be able to report to the Overview and Scrutiny Board and the Audit Committee as appropriate. The Overview and Scrutiny Board would continue to undertake its statutory health scrutiny duties.

## **5. Mayor's Response to the comments made by the Overview and Scrutiny Board**

5.1 The Overview and Scrutiny Board will consider the draft ASA at its meeting on 15 February at which point it will make recommendations to the Mayor. The Mayor's response to those recommendations will be published ahead of the meeting of the Council.

## **Appendices**

Appendix 1: Annual Strategic Agreement

Exempt Appendix 2: Draft Torbay and South Devon NHS Foundation Trust Operational Plan