

## Record of Decisions

### Five Year Risk Share Agreement between Torbay Council, the Clinical Commissioning Group (CCG) and Integrated Care Organisation (ICO) for delivery of adult social care

#### Decision Taker

Cabinet on 15 October 2019

#### Decision

That Cabinet recommend to Council:

- (i) that the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:
  - (a) the Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and
  - (b) the agreement to be based upon the following conditions:
    - A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;
    - A non-recurrent additional payment of £1 million in 2020/2021;
    - An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and
    - That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

#### Reason for the Decision

The proposed arrangements build on the well-established and successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing need and demand for all partners. Practically, this means that Torbay and South Devon NHS Foundation Trust will continue to provide Adult Social Care for Torbay Council, via integrated locality community teams and, in the case of Mental Health via the Devon Partnership Trust.

## **Implementation**

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

## **Information**

The Council seeks to deliver adult social care which is affordable to the Council, protects the integrated arrangements and maintains our focus on high quality and joined up, services for the most vulnerable Torbay residents.

The proposals are to continue the joint arrangements for a further three years, commencing 1<sup>st</sup> April 2020. This will build on the successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing cost, while delivering Torbay Council's continued commitment to vulnerable adults in Torbay.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report but not discussed at the meeting.

## **Is this a Key Decision?**

Yes – Reference Number: I054898

## **Does the call-in procedure apply?**

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

## **Published**

18 October 2019

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet