

CABINET

16 July 2019

AMENDED RUTLAND S75 PARTNERSHIP BOARD TERMS OF REFERENCE

Report of the Strategic Director for People

Strategic Aim:	Safeguarding	
Key Decision: No	Forward Plan Reference: FP/240519	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr A Walters, Portfolio Holder for Safeguarding - Adults, Public Health, Health Commissioning & Community Safety	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves proposed membership and quoracy changes to the Rutland Section 75 Partnership Board, as set out in its Terms of Reference.
2. Authorises the Partnership Board to approve minor changes to the Terms of Reference and operation of the Partnership Board under delegated authority from Cabinet.

1 PURPOSE OF THE REPORT

1.1 The purpose of this report is:

- a) to seek Cabinet approval for modest streamlining changes to the Terms of Reference for the East Leicestershire and Rutland Clinical Commissioning Group (ELRCCG) and Rutland County Council (RCC) Section 75 Agreement Partnership Board and,
- b) to request that henceforth authority to approve minor changes to the Section 75 Agreement and Terms of Reference for the Partnership Board are delegated by Cabinet to the Partnership Board. As the Portfolio Holder for Health is a member of the Partnership Board, it will be them to assess whether any proposed changes are minor.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 East Leicestershire and Rutland Clinical Commissioning Group (ELRCCG) and Rutland County Council (RCC) together manage pooled funds out of which payment may be made towards expenditure incurred in the exercise of prescribed Health Related Functions and prescribed NHS Functions. The primary pooled fund that is managed is the Rutland Better Care Fund allocation of, currently, £2.2m per year.
- 2.2 The pooled funds are managed via an Agreement drawn up under Section 75 of the National Health Service Act 2006 (the 'Section 75 Agreement'), which in turn is managed by a Partnership Board consisting of senior representatives of ELRCCG and RCC who meet on a quarterly basis.
- 2.3 Minor amendments have recently been agreed in principle by the Partnership Board to the Terms of Reference for the Section 75 Partnership Board which, under the terms of the Section 75 Agreement, must now be approved at RCC by Cabinet.
- 2.4 The aim of these changes is to streamline the governance of the Board.
- 2.5 The national requirements of Section 75 Partnership Boards are described in **the national BCF operating guidance** and in additional dedicated **Risk Sharing / s75 Agreement guidance**. In terms of participation, the minimum national requirement for quoracy is one representative from each signatory organisation, with decisions requiring the agreement of all.

3 PROPOSED CHANGES TO THE SECTION 75 AGREEMENT TERMS OF REFERENCE

- 3.1 Currently, the Rutland Partnership Board Terms of Reference require two representatives per organisation to attend, one of whom for RCC must be the Chief Executive or their nominated deputy.
- 3.2 In order to streamline the Board, the following recommendations were approved in principle by the Partnership Board on 30 April 2019, for presentation to Cabinet for decision.

- a) To retain the membership of two senior representatives per organisation, then to require the attendance of one representative per organisation for quorum.

Rationale: This will help to sustain an appropriate breadth of representation, without impeding decision-making if full attendance is not possible.

- b) In the member list, to replace the RCC Chief Executive with the Director for People.

Rationale: This offers an improved balance of participation across the two organisations and is reflective of the maturity of this well-established partnership mechanism.

- c) To request approval from Cabinet to delegate decision-making on minor amendments to the Section 75 agreement and Section 75 Partnership Board Terms of Reference to the Partnership Board.

Rationale: To protect Cabinet time for significant decision-making.

- 3.3 If the changes are approved by Cabinet, the Terms of Reference and Section 75 Agreement will be updated accordingly (as set out in Appendix 1), with the Section 75 Agreement updated via an addendum pending its next significant revision.

4 CONSULTATION

- 4.1 Partnership Board members are in agreement with the changes. No further consultation has been undertaken.

5 ALTERNATIVE OPTIONS

- 5.1 The alternative option is to sustain the Terms of Reference as they are now.
 - a) Requiring the attendance of two members of the CCG and Council for quoracy risks delay to decision-making by the Board.
 - b) Requiring the attendance of RCC's Chief Executive at the Board embeds an imbalance in the seniority of representation between the CCG and Council, and is not felt to be warranted by the Chief Executive as this Board and the partnership it embodies are mature and operating effectively.

6 FINANCIAL IMPLICATIONS

- 6.1 The proposed change increases the certainty that the Partnership Board will be quorate to take decisions relating to pooled funds as required at its quarterly meetings.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 If approved, the amended terms of reference will be appended to the current Section 75 Agreement, and fully integrated the next time the Agreement is renewed or significantly amended.

8 DATA PROTECTION IMPLICATIONS

8.1 There are no Data Protection implications of the proposed amendments.

9 EQUALITY IMPACT ASSESSMENT

9.1 The proposed amendments have no equality related implications.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 The proposed amendments have no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 The proposed amendments better enable the Partnership Board to manage pooled funds which has a positive impact on health and wellbeing.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The proposed changes to the governance of the Section 75 Partnership Board Agreement are recommended:

- a) To sustain an appropriate breadth of representation on the Board, without impeding decision-making if full attendance is not possible.
- b) To improve the balance of participation across the two participating organisations, reflecting the maturity of this well-established partnership mechanism.

12.2 The delegation of authority to make minor amendments to the Section 75 Agreement is requested to protect Cabinet time for significant decision-making.

13 BACKGROUND PAPERS

13.1 The National Better Care Fund Operating Guidance:
<https://www.england.nhs.uk/wp-content/uploads/2018/07/better-care-fund-operating-guidance-v1.pdf>

13.2 National Section 75 and risk sharing guidance:
<https://www.england.nhs.uk/ourwork/part-rel/transformation-fund/bcf-plan/risk-sharing/>

14 APPENDICES

14.1 Appendix 1: Amended Terms of Reference.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.