

Report to Cabinet Member for Children's Services

Decision to be taken on or after 1 October 2019

**Decision can normally be implemented at least
3 working days after decision has been signed.**

Cabinet Member Report No. CS07.19

Title: Section 75: Short Breaks for Children with Disabilities

Date: 23 September 2019

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Local members affected: All

For press enquiries concerning this report, please contact the media office on 01296 382444

There is a confidential appendix to this report, which is exempt by virtue of paragraph 3 of Schedule 12A of the Local Government (Access to Information) (Variation) Order 2006 because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary

Buckinghamshire County Council (BCC) and Buckinghamshire Clinical Commissioning Group (BCCG) commission short breaks for the parents and carers of children with disabilities. Following a recent open procurement process, new contracts for the provision of children's short breaks were awarded in July 2019.

This report seeks approval for a new Section 75 agreement covering lead commissioning arrangements and a pooled budget to be set up for children's short breaks between BCC and BCCG, to take effect from 1st October 2019.

Recommendation

The Cabinet Member for Children's Services is asked to AGREE the Section 75 agreement for lead commissioning arrangements and a pooled budget for children's short breaks services.

A. Narrative setting out the reasons for the decision

- 1.1. A Section 75 arrangement for Short Breaks was first established in 2011. Contracts for current short breaks services are coming to an end, with new services starting in October 2019. Therefore a decision needs to be taken on continuing the lead commissioning and pooled budget arrangement and agreeing a revised Section 75 document.
- 1.2. Section 75 partnership agreements, legally provided by the NHS Act 2006, allow budgets to be pooled between local health and social care organisations and authorities. Resources and management structures can be integrated and functions can be reallocated between partners.
- 1.3. Joint commissioning supported by a Section 75 arrangement has a number of benefits including:
 - Supports the continued joint provision of services across the Local Authority and CCG.
 - Supports effective governance around Joint Commissioning arrangements and oversight of spend against the pooled budget. Specifically, financial and performance reports are submitted every two months to the Integrated Commissioning Executive Team Joint Management Group (ICET JMG) for scrutiny.
 - Ensures there is clarity around how pooled funds can be used.
- 1.4. The proposed Section 75 agreement sets out that Buckinghamshire County Council will act as the lead commissioner for children's short breaks services and shall be the host partner for the purpose of the pooled fund.
- 1.5. The agreement will run for 5 years from 1st October 2019 and may be extended with agreement from both partners.

B. Other options available, and their pros and cons

- 1.6. There is an option not to put a new Section 75 in place. However, Section 75 agreements are an effective way of supporting robust governance arrangements for joint commissioning. Therefore this option is not recommended.

C. Resource implications

- 1.7. The resource implications of the new Short Breaks contracts were set out in the Cabinet Member papers approved in March 2019. The Section 75 agreement sets out the contributions of BCC and CCG respectively, how these contributions will be paid and managed.

1.8. The Section 75 agreement itself does not have any separate resource implications.

D. Value for Money (VfM) Self Assessment

1.9. The Section 75 agreement sets out formal mechanisms for governance and oversight of jointly commissioned children's short breaks services through the ICET JMG. This oversight will support an ongoing assessment of the value for money achieved through these services.

E. Legal implications

1.10. The Council's legal department has been engaged in drawing up the Section 75 agreement.

F. Property implications

1.11. None

G. Other implications/issues

1.12. None

H. Feedback from consultation, Local Area Forums and Local Member views

1.13. None

I. Communication issues

1.14. None.

J. Progress Monitoring

1.15. The Section 75 sets out regular reporting arrangements to ensure robust oversight of spend against the pooled budget and of the performance of the short breaks contracts.

K. Review

1.16. The Section 75 sets out that there will be annual review of the partnership arrangements through the ICET JMG. Any changes to the partnership agreement must be agreed through appropriate governance routes within each of BCC and BCCG and the Section 75 document updated accordingly.

Background Papers

None

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 30 September 2019. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk