



**Meeting:** Council

**Date:** 26 February 2015

**Wards Affected:** All

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

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## **1. Purpose and Introduction**

- 1.1 This is the Annual Agreement 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 Southern Devon Health and Care NHS Trust and South Devon Healthcare NHS Foundation Trust on the basis that in 2015 both Trusts will be in the form of an integrated care organisation (referred to as the Trust).
- 1.2 It sets out within the budget target the performance for Adult Care in the forthcoming financial year. It also refers to the broader context in which the agreement is framed and sets out roles and responsibilities for the forthcoming year. The Council is trying to achieve continuing good service in Adult Care for local citizens within the context of tight financial constraints, and preserving the principle of integrated health and social care at the frontline.

## **2. Proposed Decision**

- 2.1 That the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and Southern Health and Care NHS Trust set out at Appendix 1 to the submitted report be approved.
- 2.2 That the Policy for the Provision Short Breaks set out at Appendix 10 to the submitted report be approved.

## **3. Reason for Decision**

- 3.1 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.

- 3.2 One of the savings proposals for adult social care is the review of existing arrangements for respite care and to introduce a single policy to ensure the equitable availability of respite care services according to need.

## Supporting Information

### 4. Position

4.1 The Annual Strategic Agreement has been prepared within the overall context of:

- The implementation of the Care Act 2014 – the most significant reform of care and support in more than 60 years and locally is one of the significant elements of delivery in 2015 across our local system
- The expectation of the Integrated Care Organisation – as well as the success of being a national Pioneer for further integration and innovation
- The funding arrangements for the NHS and Adult Social Care – whilst there is welcome reform through the Care Act with an expectation of Government funding to support these costs and winter demands, there remains overall pressure on the NHS and councils to provide safe and quality services with less resources.

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4.2 All organisations are committed to working in partnership with the NHS, local authority, other providers and the third sector to develop the model of integrated care for which Torbay and South Devon is renowned. This includes our commitment to drive integration to a new level, including further structural integration and extended organisational pathways between health and social care services.

4.3 The agreement is structured on the four domains outlined in the Adult Social Care Outcomes Framework which is a national framework. The majority of performance indicators associated with each domain will be measured monthly although several rely on annual or bi-annual surveys and they will be reported as national results become available.

4.4 The ASA outlines performance outcomes within the budget envelope provided by the Council and outlines elements of the work plan being undertaken by the Trust on our behalf in the next financial year as well as specifying roles and responsibilities.

4.5 Included as an Appendix to the ASA are the savings proposals for adult social care. One of those proposals relates to the review of the existing arrangements for respite care and to introduce a single policy to ensure the equitable availability of

respite care services according to need. A consultation process has been undertaken on the revised policy (now referred to as short breaks) and the proposed policy and associated Equality Impact Assessment is appended to this report.

#### 4.6 The main features of the policy:

- The Draft Policy readies Torbay and Southern Devon Health and Care Trust for The Care Act and streamlines current practice
- Our commitment to the importance of flexible short breaks for carers is re-confirmed
- Ensures that all client groups are treated equally, based on individual assessment
- Short Breaks are included in the personal budget for service users
- Short Breaks are considered a service for the vulnerable person and are chargeable.

### **5. Possibilities and Options**

5.1 This is an annual agreement which is required in order to manage our commissioning of adult social care.

5.2 The approval of the Policy for the Provision of Short Breaks is required in order to ensure the equitable availability of respite care services in accordance with need.

### **6. Fair Decision Making**

6.1 The Annual Strategic Agreement sets the framework for commissioning of adult social care. Consultation has taken place with the CCG and the Trust in preparing the document. The draft has also been considered by the Priorities and Resources Review Panel with the comments of the Panel being presented to the Mayor as part of the Council's budget process.

6.2 Any future specific changes for groups of users or individuals will include detailed engagement and consultation as part of any proposed change.

6.3 Between 19th December 2014 and 13th February 2015 Torbay and Southern Devon Health and Care NHS Trust undertook a public consultation with respect to its new policy for Short Breaks for Adults. The consultation was proximately displayed on the Trust website and via local Carers publications and e-mail distributions lists.

The Executive Report from the consultation exercise is included as an Appendix to this report together with an Equality Impact Assessment and a Quality Impact Assessment which have been completed for this work stream.

## **7. Public Services (Social Value) Act 2012**

7.1 The Public Services (Social Value) Act 2012 does not apply.

## **8. Risks**

8.1 The agreement sets out performance within the tight financial constraints of the public sector and includes an ambitious programme of transforming services within adult social care in the forthcoming year in order to meet good outcomes for local people within available finance.

8.2 Appendix 3 of the ASA sets out the analysis of risks set out in the Agreement and are summarised below:

- Care Home Fees – Have been set within a new banding structure for residential care and this has been challenged through Judicial Review
- Acquisition Process – The Care Trust is expected to be acquired by another NHS Foundation Trust in 2015 to form an ICO and this could result in distraction from delivery of this agreement
- Ordinary residence – Movement of ordinary residence can create in year pressures and this will be monitored closely through the Social Care Programme Board
- The scale of savings required – Savings plans targets are significant and over a two year period will require radical changes in the range of services available, the level of care that can be provided and the way services are delivered.
- Capacity to deliver changes – The requirements of this commissioning agreement include further changes and savings to back office and assessment processes. Capacity in zone teams may impact on the pace of delivery.
- Community concern – Concern may be raised in response to implementation of the programme of work outlined in this agreement which may affect the pace of delivery.
- Delivery of the Care Act - The Care Act is an opportunity to improve social care and is expected to be fully funded by Government
- Deprivation of Liberty Safeguards – The Cheshire West ruling in March 2014 has created significant additional applications for Deprivation of Liberty Safeguards. This has resulted in an increasing waiting list with the capacity to process applications within legal timescales.
- Emergency Duty Service – Vacancies, an ageing workforce, skill set requirements and a need to change working patters has place this small service at risk of breakdown

- Domiciliary Care – Pressure in the domiciliary care market, difficulty in securing packages of care in a timely way with some providers planning to exit the market

## **Appendices**

- Appendix 1 Annual Strategic Agreement
- Appendix 2 Appendix 1 to the ASA (ASC Budget Proposals 2015-16)
- Appendix 3 Appendix 2 to the ASA (Benchmark Assessment and Key Performance Indicators)
- Appendix 4 Appendix 3 to the ASA (Risk Matrix)
- Appendix 5 Appendix 4 to the ASA (Client Charges and Charging Policy (to follow once regulation clear))
- Appendix 6 Appendix 5 to the ASA (Joint Outcomes Framework)
- Appendix 7 Appendix 6 to the ASA (Better Care Fund)
- Appendix 8 Appendix 7 to the ASA (Commissioning Roles and Responsibilities)
- Appendix 9 Appendix 8 to the ASA (Draft Risk Share Agreement) – Exempt
- Appendix 10 Appendix 9 to the ASA (Policy for the Provision of Short Breaks and EIA)