

**Meeting:** Council **Date:** 20 July 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 and Better Care Fund

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

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

**Executive Lead Contact Details:** Councillor Parrott, Executive Lead for Children's and Adults Services, 01803 293217, [julien.parrott@torbay.gov.uk](mailto:julien.parrott@torbay.gov.uk)

**Supporting Officer Contact Details:** Caroline Taylor, Director of Adult Services, 01803 208949, [caroline.taylor@torbay.gov.uk](mailto:caroline.taylor@torbay.gov.uk)

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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 financial year 2017-2018.
- 1.2 The report is updated from that presented to Council on 23 February 2017. It includes performance commitments and the approach to the (Improved) Better Care Fund in exempt Appendix 2.
- 1.3 A significant development is the notice of withdrawal from the Risk Share Agreement that was served in December 2016 by Torbay and South Devon NHS Foundation Trust.
- 1.4 The financial proposals relating to the Annual Strategic Agreement are included in exempt Appendix 2.
- 1.5 The Adult Services and Public Health Monitoring Working Party which was created at the Council meeting in February 2017 is meeting on a regular basis to add Member challenge into performance, expenditure and policy issues.

## **2. Reason for Proposal**

- 2.1 The Annual Strategic Agreement sets out the strategic direction for services 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 monitored and managed.
- 2.2 The Monitoring Working Party that is now active ensures 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 Following the notice of withdrawal from the Risk Share Agreement which will come into effect on 1 January 2018, detailed negotiations have taken place. Consequently a revised risk share agreement is proposed. Details and proposals as to the financial position and the revised risk share in respect of the contract are submitted as exempt Appendix 2.
- 2.4 If the revised risk share agreement is not approved by the Torbay and South Devon NHS Foundation Trust and South Devon & Torbay Clinical Commissioning Group, then significant control mechanisms will be implemented to allow the Council to exercise control over the delivery of Adult Social Care. The control mechanisms are set out in exempt Appendix 2.

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

- 3.1 That subject to all parties namely Torbay Council, Torbay and South Devon NHS Foundation Trust and South Devon & Torbay Clinical Commissioning Group agreeing the Risk Share Agreements as set out in Appendix 2 or in the alternative the control mechanisms as set out being implemented;
  - 3.1.1 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, including the approach to funding the same as set out in Appendix 2.

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## **4. Supporting Information**

- 4.1 The Adult Services and Public Health Working Party have considered and are supportive of the Annual Strategic Agreement and the associated outline finances.

## **Appendices**

Appendix 1: Annual Strategic Agreement

Appendix 2 Risk Share Agreement – options and financial proposals aligned to the Annual Strategic Agreement including Better Care Fund - Exempt