

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Variation of the Joint Assessment and Discharge Team Section 75 Agreement to reflect the Integrated Discharge Hub arrangements and extend the term for a period of 3 years, with a 6 month notice period to terminate.
<b>Cabinet Member:</b>	Councillor Gillian Ford, Cabinet Member for Adult Services and Health
<b>SLT Lead:</b>	Barbara Nicholls, Director for Adults Social Care and Health
<b>Report Author and contact details:</b>	Sandy Foskett, Senior Commissioning & Project Manager 01708 4317242 <a href="mailto:Sandy.foskett@havering.gov.uk">Sandy.foskett@havering.gov.uk</a>
<b>Policy context:</b>	The Communities Vision: The needs of our most vulnerable residents are identified and met
<b>Financial summary:</b>	<p>The annual cost for the delivery of the Integrated Discharge Hub is £776,929 (which includes the NELFT allocation). This amount excludes 2022/2023 pay award uplift.</p> <p>Total contribution from Havering is £163,000 per annum.</p>

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<b>Relevant OSC:</b>	People OSSC
<b>Is this decision exempt from being called-in?</b>	Yes

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**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

This paper seeks approval to enter into a Memorandum of Understanding and Deed of Variation of the Section 75 Agreement for the Joint Assessment and Discharge (JAD) Team with revised schedules to:

- a) reflect the new Integrated Discharge Hub at a cost to Havering of £163,000 per annum (£489,000 over the 3 year extended term); and
- b) extend the term of the Section 75 Agreement for a period of 3 years, with a 6 month notice period to terminate.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

#### **3.3 Powers of Members of the Senior Leadership Team**

Members of the Senior Leadership Team (SLT) have delegated authority to act within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 of the Constitution.

### **STATEMENT OF THE REASONS FOR THE DECISION**

1. The JAD Service has been in place since June 2014, when there was an informal period prior to all partners signing up to a Section 75 (S.75) agreement in 2015. This agreement was extended in 2017 for a further 2 years until 2019, and again in 2021. The service has continued to operate under the terms of the original S.75 and of the last Deed of Variation.
2. Due to many changes in discharge guidance and the way both health and social care teams are operating in the acute and community settings, it was agreed by all partners that the JAD was no longer fit for purpose and this ceased on 2<sup>nd</sup> August 2021.
3. The Barking, Havering and Redbridge (BHR) health and social care system have signed up to a new Discharge Single Point of Access (SPA) which will integrate more health and social care discharge pathways to promote collaborative working, streamline discharge flow, reduce delays and improve service user experience and outcomes by reducing duplication and coordinating services at the point of discharge. The SPA commenced from 3<sup>rd</sup> August 2021.
4. This new SPA integrates discharge pathways for NELFT community services. The model is referred to as the 'Integrated Discharge Hub' and will continue

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managing the flow of discharges into social care services under the trusted assessor model.

5. The trusted assessor model whereby no assessments for Adult Social Care (ASC) are undertaken in an acute setting unless they are extremely complex. The acute therapy staff are making care recommendations based on their assessments, the Integrated Discharge Hub process the referrals and then schedule social worker assessments/reviews in the community.
6. A Deed of Variation has been drafted for the JAD S.75 agreement which continues the current agreement between partners and reflects the changes. All schedules in the S.75 have been reviewed and revised where appropriate. This Deed of Variation will extend for a period of 3 years with a 6 month notice period to terminate.

### **Schedules amended**

7. The following new and amended schedules have been included in the variation:

#### New schedule

- Schedule 11 (Financial Schedule for the continuation of the funding agreement)

#### Amended

- Schedule 1 (Executive Steering Group and Governance)
- Schedule 2 (Information Sharing Protocol)

### **Host Organisation**

8. NELFT host the agreed model, the service will be recruited to by NELFT and funded as per the agreed contribution from each partner organisation.

### **Staffing**

9. See below table to show current posts which are funded by the SPA funding.

<b>Integrated Discharge Hub Posts</b>		
<b>SPA</b>	<b>Band</b>	<b>wte</b>
Intermediate Care Service Manager	8b	1.00
DCU Manager	8a	1.00
Senior Discharge Co-ordinators	6	2.00
Discharge Co-ordinators	4	7.85
CHC Nurses (Meadow Court/NELFT)	6	2.58
<b>TOTAL</b>		<b>14.43</b>

The current staffing model will be reviewed periodically and any changes in functions may or may not include services from Havering.

### **Finance**

10. LBH have committed to fund 31% of the Integrated Discharge Hub. Agreement.
11. The total value of the Integrated Discharge Hub for the period 1 April 2022 to 31 March 2023 is £776,929 per annum (which includes the NELFT allocation).

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This amount excludes any 2022/2023 pay award uplift which is yet to be agreed.

12. When the 2022/2023 pay award and any future annual awards have been agreed the below annual value will either be uplifted (for example via increased contributions from the Partners) to reflect the additional cost of the pay increase, or resource within the service will be reduced to ensure that the cost to deliver the service is sufficient to cover the cost of the pay increase. The Partners agree to hold quarterly finance meetings to review the funding set out in the table below and to support the BHR system management in agreeing on how any overspend or any underspend (as a result, for example, of the departure of any staff) in the funding amounts will be managed or apportioned as appropriate.
13. Each of the Partners will raise purchase orders in line with the contracted values from 1 April 2022 to 31 March 2023 and will provide a contact name and purchase order number to NELFT in order for NELFT to raise the relevant invoice(s).
14. See below funding contributions made by each partner to the SPA service.

### SPA Funding Contributions – Integrated Discharge Hub

Partners	Annual Amount (£)	Monthly Amount (£)
London Borough Barking & Dagenham	112,005	9,334
London Borough Redbridge	70,048	5,837
Barking Havering Redbridge Trust	241,006	20,084
London Borough Havering	163,000	13,583
NELFT funding	190,870	15,906
<b>TOTAL</b>	<b>776,929</b>	<b>64,744</b>

15. While recruitment is taking place (April 2022 to September 2022) NELFT will recharge monthly based on staff recruited to posts. After this interim period NELFT will recharge the full monthly allocation per Partner as per the above table.

### **Recommendation**

16. It is recommended that the JAD S.75 Deed of Variation is approved to allow the New Integrated Discharge Hub to progress to support hospital discharges into ASC services.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

**Do nothing**

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This option was considered and rejected because:

- The operational deliverables and commitment from stakeholders have not changed significantly to warrant a new Section 75.
- Without an updated agreement in place there may be an impact to discharge flow.
- There would be a risk that patients would remain in hospital beyond the point they are medically optimised, this can lead to adverse outcomes for the individual and will impact the hospital's ability to admit new patients.
- There would be no function to record all discharge activity

### **PRE-DECISION CONSULTATION**

Internally stakeholder engagement has taken place with Finance, HR, Legal and Adult Social Care. Externally the Council engaged with London Borough of Redbridge, London Borough of Barking & Dagenham, NELFT, BHRUT and NEL.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: John Green

Designation: Assistant Director of Joint Commissioning Unit

Signature:



Date: 14 July 2022

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

Under the National Health Service Act 2006, local authorities and NHS bodies have power to enter into partnership arrangements to provide a more streamlined service if such arrangements are likely to lead to an improvement in the way their functions are exercised.

Furthermore, under Schedule 3 of the Care Act 2014, where it is not considered safe to discharge a hospital patient, without arrangements for meeting the patient's needs for care and support being in place, the NHS body must give the Local Authority (where the patient is ordinarily resident) an assessment notice.

The local authority must then carry out an assessment of the patient's need and, where applicable, the carer's need, with a view to identifying the care and support that is necessary for them to be safely discharged.

Adults Social Care and Health have therefore entered into the section 75 agreement and now seek to vary the same to meet such statutory duties.

Clause 5 of the section 75 agreement allows the agreement to be varied as detailed in the body of this report.

The Council's Contract Procedure Rules (CPR 19.7) states that no variation, extension or modification of a contract period may be made unless there is adequate budgetary provision. This has been addressed further within the Financial Implications.

### **FINANCIAL IMPLICATIONS AND RISKS**

Due to changes in discharge guidance the Joint Assessment and Discharge (JAD) was deemed not fit for purpose any longer and was disbanded on 1<sup>st</sup> August 2021. An interim operating model was in place for a period and the discharge Single Point of Access (SPA) was to be created as the new operating model.

The variation of this Section 75 Agreement is for the creation of the Single Point of Access team (SPA) this has an annual cost to Havering of £163,000. This amount does not include any pay inflationary increase for 2022/2023.

There is a risk that this amount will increase annually in line with inflationary pay increases, however this will be reviewed and discussed at quarterly meetings as the increases may be able to be absorbed through staff vacancies within the Hub or resources may be reduced to ensure that there is sufficient funding available.

The quarterly meetings will also be used to discuss the use of any underspends in the event that the hub is not fully staffed.



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The total budget that Havering has available for its Hospital and Assessment Discharge service in 2022/23 is £776,310. The estimated overall cost for Havering for 2022/23 is £776,310. This figure includes Havering staff costs and the £163,000 contribution to the section 75.

This is an extension of section 75 agreement until 2025, so these costs will materialise annually, the agreement can be terminated by giving a six-month notice period.

The JAD team is mainly funded via the Better Care Fund.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The recommendations made in this report do not give rise to any identifiable implications or risks to the environment and climate change.

### **BACKGROUND PAPERS**

- JAD Section 75 Agreement
- Deed of Variation

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: Barbara Nicholls

CMT Member title: Barbara Nicholls, Director of Adult Service and Health

Date: 02/08/2022

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_