

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Variation to the Section 256 Agreement – North East London Virtual Ward Fund 2022/23
<b>Decision Maker:</b>	Barbara Nicholls, Strategic Director of People
<b>Cabinet Member:</b>	Councillor Ford, Cabinet Member for Health and Adult Care Services
<b>SLT Lead:</b>	Barbara Nicholls, Strategic Director of People
<b>Report Author and contact details:</b>	Sandy Foskett, Senior commissioner and Project Manager
<b>Policy context:</b>	<p>The NHS is introducing virtual wards to support people at the place they call home, including care homes.</p> <p>This approach aims at preventing avoidable admissions and supporting early discharge out of hospital.</p>
<b>Financial summary:</b>	The report seeks permission to reallocate the NHS Virtual Ward funding of £1,035,000.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	People OSSC
<b>Is this decision exempt from being called-in?</b>	Yes

**Non-key Executive Decision**

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

**Part A – Report seeking decision**

<b>DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION</b>
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## Non-key Executive Decision

It is recommended that the Strategic Director of People, , authorises:

- the reallocation of the North East London Virtual Ward Funding Havering allocation of £1,035,000 from the NHS North East London ICB back to the ICB

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

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

##### General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.

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

Virtual Wards is at the centre of the government's delivery plan for recovering urgent and emergency care services announced by the Department of Health and Social Care in February 2023. The plan includes virtual wards to treat up to 50,000 elderly and vulnerable patients a month at home by the end of the 2023-2024.

The NHS Operational Planning Guidance prominently identified Virtual Wards as a key priority in facilitating the recovery of elective and non-elective healthcare services. In response to the release of this guidance, the Havering Placed Based Partnership was tasked with developing a comprehensive multi-year plan geared toward incrementally increasing the capacity of Virtual Ward beds. The national requirement calls for the delivery of the equivalent of 183 beds in a virtual ward. Within the Havering Borough, this allocation translates to 76 beds.

In accordance with the funding allocation strategy, the Virtual Ward non-recurrent funding was directed to the local authority within the Havering Place Based Partnership. The expectation was that the partnership would collaborate with the North East London NHS Foundation Trust (NELFT) and Barking, Havering, and Redbridge Hospitals NHS Trust (BHRUT) to leverage the resources effectively.

LBH and the ICB, having entered into a Section 256 Agreement in good faith, completed an assessment of the work that would be required for LBH to commission virtual wards from the healthcare providers on behalf of the partnership and it was jointly concluded that attempting to continue with LBH as the lead commissioner for the partnership would create issues for the partnership, namely the length of time required to complete the complex procurement processes that are necessary when the local authority commissions healthcare services, and lack of resource to support the procurement process.

While it may be possible to commence an LBH led competitive tender process for a Virtual Ward service it is recognised that this will create a delay to Virtual Ward mobilisation possibly lasting beyond the end of this financial year which could mean that NHS operating plan targets for 2023/24 are not met.

### **Non-key Executive Decision**

For this reason, the Parties have collectively decided that the most expedient way to mobilise the Virtual Wards is to confirm that the ICB will act as the lead commissioner for the Virtual Ward service for the purpose of the Agreement, and to enable the ICB to fulfil this role the Parties have agreed to transfer the funds from LBH back to the ICB who will in turn transfer the Virtual Ward funding to an appointed NHS organisation via an existing ICB NHS service contract to deliver the service.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Do nothing – this option was rejected. Reallocation of the virtual ward funding avert a delay to Virtual Ward mobilisation.

### **PRE-DECISION CONSULTATION**

Havering Placed Based Partnership

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

Name: Sandy Foskett

Designation: Senior Commissioner and Project Manager

Signature: *S foskett*

Date: 29/11/23

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

The Council entered into a section 256 Agreement with the ICB to receive and allocate funding to deliver virtual wards with LB Barking and Dagenham and LB of Redbridge. However due to delays as a result of the commissioning process required the parties have now agreed that the commissioning and procurement of providers to deliver the virtual wards will be undertaken by the ICB. As the ICB had already transferred funds to the Council the ICB has now requested the funds back so that it can pay providers who have been delivering the service.

The Council has the general power of competence under s1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council' s powers. None of the constraints on the Council' s s.1 power are engaged by this decision.

Under the terms of the s256 Agreement entered into by the Parties the ICB can request the funding back.

The Parties will enter into a variation agreement to reflect the changes.

### **FINANCIAL IMPLICATIONS AND RISKS**

This decision paper is seeking approval to vary the Virtual wards Section 256 agreement so that the funds from the North East London Virtual Ward Funding Havering allocation of £1,035,000 from the NHS North East London ICB are reallocated back to the ICB

The London Borough of Havering and the North East London ICB entered into the Section 256 agreement with LBH being the lead commissioner, however due to the complex nature of the commissioning process for local authorities to commission Health services, it has been collectively agreed that the ICB shall be the Lead commissioner and the full amount of £1,035,000 shall be transferred back to the ICB.

There are no direct financial implications as a result of this decision as the full allocation of £1,035,000 is still available and this amount will transfer back to the ICB.

### **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:

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- (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**

There are no environmental and climate change implications of, and risks relating to, the proposed decision.

### **BACKGROUND PAPERS**

[Key ED Virtual Ward Funding March 2023 FINAL 003.pdf](#)

### **APPENDICES**

**Non-key Executive Decision**

**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

*Delete as applicable*

**Details of decision maker**

Signed



Name: Barbara Nicholls

Cabinet Portfolio held:  
ELT Member title: Strategic Director of People  
Head of Service title  
Other manager title:

Date: 11.12.23

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

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

Signed \_\_\_\_\_

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