

|             |           |
|-------------|-----------|
| Agenda Item | 5         |
| Report No   | HCW/09/20 |

## HIGHLAND COUNCIL

**Committee:** Health, Social Care and Wellbeing

**Date:** 8 July 2020

**Report Title:** Partnership Arrangements with NHS Highland - Update

**Report By:** Executive Chief Officer – Health and Social Care

### 1. Purpose/Executive Summary

- 1.1 This paper sets out the current position in relation to the partnership arrangements in place between the Highland Council and NHS Highland.

### 2. Recommendations

- 2.1 The Committee is asked to:
- i. **Note and approve** the current position and the proposed approach.

### 3. Implications

- 3.1 Resource – The resource implications will be informed by the completion of the ongoing review of the partnership arrangements in place.
- 3.2 Legal – There are legal implications in terms of the signature of a revised Integration Scheme at a date to be agreed.
- 3.3 Community (Equality, Poverty, Rural and Island) - None
- 3.4 Climate Change/Carbon Clever - None
- 3.5 Risk – None
- 3.6 Gaelic – None

### 4. Background and Legal Requirements

- 4.1 The Highland Council and NHS Highland entered into a Partnership Agreement in 2012, establishing the principle of service integration in relation to both children's services and adult care services and setting up the lead agency model. The Partnership Agreement remains in place.

- 4.2 In 2014, legislation resulted in the development of the Integration Scheme which was submitted to the Scottish Government for approval and represents the current working agreement between the Highland Council and NHS Highland with the Partnership Agreement remaining in place to offer detailed guidance.
- 4.3 The Partnership Agreement remains in place. The Integration Scheme however is governed by legislation and requires to be reviewed. Given the Integration Scheme was submitted to the Scottish Government for approval in June 2015, the revised scheme was require to be submitted by June 2020 in accordance with the legislation as the operative date is the date of the approval of the previous scheme by the Scottish Government.
- 4.4 Until the outbreak of the Covid 19 Pandemic work was being carried out in in terms of the documents governing the partnership arrangements. That work is currently on hold.

## 5. Current Position

- 5.1 On 17<sup>th</sup> March 2020 Christina Naismith the Head of Integration Implementation at the Directorate for Community Health and Social Care in the Scottish Government wrote to all Local Authority Chief Executives and Chief Executives for Health Boards in the following terms:-

“As part of the work for establishing local arrangements for integration, the Public Bodies (Joint Working) (Scotland) Act 2014 required each Health Board and corresponding Local Authority to jointly prepare an Integration Scheme that set out which integration model was to apply, the functions to be delegated, and the financial arrangements and payments for the functions.

The legislation also requires the Local Authority and Health Board to review the Integration Scheme before the expiry date, which is five years after the scheme was approved in parliament. This means that many Integration Schemes are currently due for review.

Given the current work across local health and social care systems to plan their response to Covid -19, and in view of announcements made by the First Minister and the Cabinet Secretary for Health and Sport on the stringent new measures now in force throughout the UK to slow the impact of the virus, please note that we do not expect you to continue work on developing successor schemes.

For absolute clarity, the Act does not require the Health Board and Local Authority to produce a successor scheme, it requires a *review*. You should therefore ensure that you jointly carry out the minimum requirement of a review, which most of you have already undertaken, and that this is acknowledged jointly and formally. This review can note anything that requires further work between the partners and set out plans for the completion of that work at a later date, once the current very challenging situation passes, including the production of a successor scheme. Meantime, the current Integration Scheme will remain in force.”

- 5.2 The terms of that correspondence have the effect so as to permit the late submission of the reviewed Integration Scheme. A further communication was received from Ms Naismith on 19<sup>th</sup> June

“Highland’s scheme is due to expire on 25 June 2020, so I should be grateful if you can advise if you have undertaken a review and agreed to extend your current Integration Scheme. Given the extensive work across local health and social care systems to plan and implement their response to Covid -19, we fully understand that you will have likely had to pause work on developing your successor scheme.

The Act does not require the Health Board and Local Authority to produce a successor scheme, it requires a *review* to be undertaken. You should therefore ensure that you have jointly carry out the minimum requirement of a review and that this is acknowledged jointly and formally. This review can note anything that requires further work between the partners and set out plans for the completion of that work at a later date, once the current very challenging situation passes, including the production of a successor scheme. Meantime, the current Integration Scheme may be extended to remain in force. It is imperative that agreement on this temporary position is reached prior to the expiry of your existing scheme.”

The Chief Executive for the Highland Council and the Chief Executive of NHS Highland have written a joint letter to Ms Naismith noting the contents of this correspondence and indicating that both partner agencies have carried out an initial review and have jointly agreed that detailed revisions are required. Work will continue in due course to submit that to the Scottish Government in terms of any revised timescale which may be issued. The expectation of both parties is that a revised agreement should be in place within the next 6 months.

A response to the letter has now been received and confirms that a further 6 months is available to enable the development of a successor Integration Scheme: *“Thank you for confirming the work undertaken by Highland Council and NHS Highland to review your Integration Scheme prior to the Covid -19 pandemic. You have helpfully confirmed the partners’ have agreed that the existing scheme will remain in place and that there is joint commitment to continuing with this process in the form of a more detailed review.*

*The areas you have outlined as key for joint discussion and agreement is also helpful, and I note the expected conclusion of this work, together with the development of a successor Integration Scheme, is planned within the next 6 months.*

*Myself and other officials from the Integration Division would be very pleased to provide any support and advice you may need in undertaking this work so please do not hesitate to contact me as this work picks up.”*

5.3 The position remains that there are significant areas in both documents which require to be reviewed which have been previously noted as being:-

1. Finance
2. Governance
3. Performance Management
4. Commissioning Arrangements
5. Property
6. Information Sharing and Data Management
7. ICT

Some consensus has already been reached in terms of revisions required to the current agreement in place in relation to these specific issues. It is anticipated that those issues will be discussed in further detail by the Joint Officer Group before any changes are made to the integration scheme.

Designation: Executive Chief Officer – Health and Social Care

Date: 28<sup>th</sup> June 2020

Author: Fiona Malcolm, Interim Head of Integration Adult Social Care

Background Papers: