

**JOINT  
WORKING  
FRAMEWORK**

**SEPTEMBER 2012**

draft

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## Section 1 - Nature and purpose of Joint Working

### *What is The Joint Working Framework?*

The Joint Working Framework is a document that expresses the commitment to and arrangements under which the Bath & North East Somerset NHS Clinical Commissioning Group (B&NES CCG) and Bath & North East Somerset Council (B&NES Council) will work together for the benefit of local people. This framework builds on but supersedes previous arrangements in place between the B&NES Council and the PCT.

In addition to setting out aspirations around common goals and shared working practices the framework includes specific legal employment and financial agreements in support of joint management and commissioning.

The Framework also identifies opportunities for the further development of joint working arrangements and this provides the basis for a future programme of work.

### *Purpose of Joint Working*

The B&NES Council and B&NES CCG have complementary responsibilities in respect of the local population. Each organisation has its own constitution and separate accountabilities but has a common interest in the health and well-being of local people. The B&NES Council and the local NHS have a long history of constructive joint working. A Partnership Board for Health & Wellbeing Board was established in 2008 to oversee, monitor and make recommendations in respect of the development of strategy and performance management of adult health and social care, children's health and social care and public health in Bath & North East Somerset. This was supported by a formal Partnership Agreement about how the PCT and Council would work together to deliver improved outcomes for the population.

Historically, there has been a recognition locally that in addition to the strategic coherence offered by a joint board, closer working between the two organisations including joint leadership and management and support arrangements can secure additional benefits by aligning the use of resources and planning services together to enable:

- Integrated commissioning that delivers joined up services
- Better value for money through the avoidance of duplication and economies of scale.

The aims and intended outcomes of joint working are:

#### **Aims:**

- Alignment of strategy, service plans and use of resources
- Commission, manage and deliver high quality Services which understand and respond to the needs of individual Service Users and their carers;
- Ensuring integrated delivery of seamless care through effective commissioning
- Make the best use of management and professional skills and knowledge;
- Efficiency and value for money

**Expected outputs:**

- Shared strategy and priorities
- deliver the joint strategic needs assessment for Bath and North East Somerset;
- Joint development and investment plans
- Aligned business planning and performance management arrangements
- Commission interface with stakeholders
- Efficiency savings

**Expected outcome:**

- Better services for local people through communities and reduced bureaucracy
- Clearer and more efficient communication with stakeholders
- Greater opportunities to influence

**Achieved through:**

- An integrated leadership structure and joint management teams
- Alignment of systems and policies
- Building on positive relationships
- Sharing space and support services

***Why a Joint Working Framework is needed?***

The level of Joint Working described above requires underpinning by clear arrangements to ensure its effective operation. These arrangements need to specify the powers under which joint work is being undertaken and the mechanics of its operation. This Framework fulfils that purpose.

The B&NES Council and the B&NES CCG wish to continue to achieve integrated arrangements through a process of alignment and joint working rather than through the appointment of a lead body and the delegation of functions or through a single formal contract for commissioning services. This framework is intended to signal a commitment to the continuation and further development of joint working. By clarifying accountabilities, agreeing joint management arrangements and ways of working it allows the two organisations to work together efficiently and effectively towards their common aims.

***Scope of Joint Working***

The commitment to partnership working covers the full extent of both organisations responsibilities. This framework specifically relates to Joint Working arrangements to deliver the aims and objectives of the Health & Wellbeing Board (HWB) and the range of services covered by the B&NES CCG and the B&NES Council's People and Communities (including public health following its transfer to the B&NES Council) directorate.

## **Scope of Joint Working Framework**

### **Adult Services**

*The strategic planning, commissioning and procurement of health, social care and housing services for adults, including the support and performance management of practice based commissioning, across the following range of services:*

- *Health services for the whole population including acute care, primary health care and other community services*
- *Older people services*
- *Mental health services for adults of working age*
- *Services for adults with physical and sensory impairments*
- *Services for adults with learning difficulties*
- *Strategic housing services for the whole population including Supporting People Services*

### **Children Services**

*The strategic planning, commissioning and procurement of strategic education, health, and social care services for children, across the following range of services:*

- *Early Years, Schools, inclusion support and extended services*
- *Health services for children including acute services and therapy services*
- *Mental health services for children*
- *Social care services for children and families*
- *Youth services*

### **Public Health**

*Assessing the health needs of the local population; strategic planning, commissioning and procurement of services which will help to promote the health and well-being of the population and reduce health inequalities including:*

- *Services and initiatives to deliver priority health improvement objectives*
- *Drugs and alcohol services through the Responsible Authorities Group's pooled budget*
- *A range of health improvement services in partnership with other services and agencies*

The 2012 Health and Social Care Bill requires the establishment of a Health and Wellbeing Board to bring together local commissioners of health and social care, elected representatives and representatives of Health Watch to agree a joint strategy for improving local health and wellbeing. It places a duty of on both organisations to consider integrated approaches to meet this objective. The existing Health & Wellbeing Board will need to be reviewed in the light of national guidance but is expected to continue to operate at a strategic level approving plans and priorities and promoting strategic coherence. The draft Terms of Reference of the new Health and Wellbeing Board will be attached for reference.

## **Content of framework**

This framework sets out:

- A commitment to working together and creating a joint culture and vision
- Expectations of ways of working
- Mechanisms in support of joint working including specific legal arrangements
- Opportunities for developing further and arrangements for reviewing

## **Section 2 - Creating a Culture**

Developing a shared vision and culture and environment to support and encourage joint working is a key factor in achieving effective arrangements. History and experience tells us that even where organisations formally merge, different cultures and values, lack of trust and communication can seriously impair effectiveness and obstruct benefits realisation. Whatever governance arrangements ultimately underpin joint working it will be critical to pay attention to the on-going development of strong relationships.

The B&NES CCG vision is to commission high quality, affordable, integrated patient centred care which respects and responds to the needs of our local population, harnessing the strength of clinician led commissioning and empowering our patients to improve their health status. This is summarised as 'Healthier, Stronger, Together'.

The B&NES Council's vision is for Bath and North East Somerset to be an area where everyone fulfils their potential; with lively, active communities; with unique places and beautiful surroundings. Key objectives are promoting independence and positive lives for everyone; creating neighbourhoods where people are proud to live; and building a stronger economy.

The vision for joint working is that by working together, both organisations are stronger; we can achieve more together; and effectively drive forward the delivery of the strategic aims of the Health and Wellbeing Board.

Fortunately the B&NES CCG and B&NES Council are able to build on the history of effective joint working and existing strong relationships. Collaborative and supportive working has become the norm and is facilitated by the co-location of teams in Keynsham and St Martins. Trust, integrity and openness are evident and the emerging B&NES CCG has already developed sound working relationships with key members and officers of the B&NES Council. The continuing development of a shared culture will be specifically supported by four activities:-

- The operation of shared leadership arrangements (see section below);
- The ongoing review and development of joint working arrangements as both organisations mature into their new roles and their new partnership;
- Promoting co-location of staff where it would be beneficial and where it can be achieved without compromising the wider needs of either organisation;
- A shared organisational development programme (current programme will be attached).

### **Section 3 - Mechanisms to support Joint Working**

Under the following arrangements both the B&NES Council and the B&NES CCG retain their statutory functions. No responsibility or authority is delegated from one party to another.

#### ***Governance and Leadership***

The B&NES Council and B&NES CCG will achieve a significant degree of joint working by bringing together their governance and leadership arrangements in so far as that is consistent with maintaining their independence and autonomy in the exercise of their statutory duties. General delegation arrangements are not part of the model of joint working although included in the framework will be a schedule of all formal delegation and/or cross charging arrangements that are in operation under specific statutory powers.

A Joint Committee for Oversight of Joint Working will be established to oversee the operation of all joint working arrangements. Further details of its role and function will be attached.

#### ***Aligned Decision Making***

In order for joint working to be effective, decision making needs to be timely, transparent, and unambiguous. Where organisations work together the requirements of their separate governance structures and ways of working can inhibit these outcomes. To counter this it is essential to maximise the alignment of decision making processes.

The HWB offers a vehicle to assist in contemporaneous decision making. The HWB will approve strategic plans and priorities, including those for substantial service change, and oversee their implementation. Each organisation will retain responsibility for decisions on the use of resources which will be made in line with that organisations scheme of delegation and reserved powers. It is anticipated that this will mean policy and significant decisions being taken at B&NES CCG and Cabinet level aligned through the matching of meeting cycles and the use of common papers and joint briefing arrangements. Operational matters will be the responsibility of a joint management team. The next section of this paper describes how joint management arrangements will be achieved.

#### ***Shared and Coordinated Management arrangements***

Joint management arrangements were put in place by the B&NES Council and PCT in 2009. Using the powers under Section 113 of the Local Government Act 1972, staff of the B&NES Council were made available (effectively by partial secondment) to the PCT for the purposes of performing PCT functions and vice versa. It is proposed that the new joint management teams continue to operate under Section 113. Both the B&NES Council and emerging B&NES CCG have respectively been engaged in the process of restructuring and establishing their management arrangements. The teams have worked together on a coordinated approach which results in an aligned management structure, which will be attached.

These arrangements will:

- Create a single team responsible for integrated commissioning across the whole remit of health, people and communities;

- Enable each organisation to conduct its business separately where appropriate, allowing the B&NES CCG to maintain a small corporate core sufficient for critical mass and sustainability in the event of the need to exit from these arrangements;
- Minimise duplication of effort and administration;
- Work on day one, but be developed over time with the potential for them to be funded through a pooled budget.

Specific posts will be designated to operate under S113 arrangements. Some posts may be designated as those where the employer must specifically either be the B&NES Council or the B&NES CCG.

Historically the relative contributions of the Council and the PCT were assessed as offsetting each other and recharging was not implemented. This position has been reviewed in the light of the proposed new management arrangements and it has been confirmed that the net recharge between the two organisations remains minimal.

The scope and complexity of the teams' roles and responsibilities is recognised. Effective leadership, coordination and communication will be critical. Central to this will be the operation of a Joint Commissioning Leadership Team (JCLT). This will comprise the Strategic Director People and Communities, the B&NES CCG Chief Operating Officer, two Deputy Directors, Director of Public Health, B&NES CCG Accountable Officer, B&NES CCG Chief Financial Officer and B&NES CCG Executive Nurse. The JCLT will meet bi-monthly and chaired by the CCG Accountable Officer. The agenda will cover performance management and strategic planning.

Both the People and Communities Directorate and the Clinical Commissioning Group will continue to maintain their own separate senior management teams (with representatives from the other organisation invited to attend) alongside the JCLT, for day to day operational and organisational issues.

A section 113 agreement to govern the secondment arrangements will be finalised and attached. It is supported by an agreed HR Protocol. These arrangements:

- Allow specified individuals to act on behalf of both organisations
- Emphasise that the agreement does not affect any transfer of power between the organisations
- Provide for the extension of arrangements through the appointment of new posts
- Require both parties to consult before changing management structures
- Deal with the obligations of parties to support S113 posts
- Set out how performance issues, disciplinary arrangements, conflicts of interest will be dealt with
- Describe the arrangements for dealing with disputes and termination.

Also included in the S113 agreement are an HR framework for managing staff within the joint team, and guidelines for determining which party should be the employer for new posts. The



purpose of the HR framework is to set out how employment issues will be dealt with particularly where the staff are managed by an employee of the partner organisation.

The guidelines cover the decision making process for determining whether the B&NES Council or the PCT shall be the employer in circumstances when new posts are created, reorganisations occur or there is a need to replace staff within the integrated partnership.

The guidelines supplement, but do not replace the Policies and Procedures of the two partner organisations and in no way affects their statutory obligations or the terms and conditions of staff of the CCG and the B&NES Council.

### ***Financial Framework***

The B&NES Council and the B&NES CCG will continue to retain separate accountability for their use of financial resources and will have separate director level finance representation and audit arrangements. With the exception of pooled budgets, health and social care funding will be held in separate budgets, although these may be managed in an aligned way to facilitate joint approaches.

Where practical and cost-effective, shared or hosted financial arrangements, including policies, procedures, processes and staffing, will be developed. Audit outcomes will be shared, where they relate to joint areas of responsibility and where this would be beneficial in delivering improvements.

The following principles will be applied in reaching a decision on joint working of any type which has a financial impact on one or both parties:

- The proposed arrangement should bring qualitative, productivity or direct financial benefits which demonstrate a sound return on any investment required
- The balance of risk between the parties should be clearly articulated along with plans for mitigation or sharing of risk
- The mechanism for either party to withdraw from the arrangement and the allocation of responsibility for exit costs and residual liabilities should be explicit.

The B&NES Council and the NHS have entered into a number of financial arrangements over recent years. As part of the current assessment of joint working, all arrangements have been reviewed to ensure their continuing relevance and the appropriateness of the underpinning financial mechanism. A schedule of these arrangements will be attached. Arrangements for monitoring and providing assurance in respect of the use of these monies have also been reviewed and strengthened where necessary, including oversight by a Joint Committee.

There are four main types of arrangement, as follows:

- Section 75/Section 10 Agreements where the Council and CCG agree to operate pooled funds for specific purposes, with responsibility for hosting and managing the pooled budget undertaken by the Council

- Section 256 Agreements where the CCG passes monies to the Council for specific purposes, usually connected with expenditure on social care which also benefits health
- Recharges connected to Section 113 posts, which have formal joint accountability
- Other arrangements by which the Council or CCG either provides services to the other or effectively act as paymaster for the other in respect of specific areas of commissioned service

In addition to these arrangements, there is substantial alignment of relevant commissioning budgets so that, for example, the two organisations operate a joint contract with Sirona Care and Health for the provision of community health and social care services.

### ***Alignment of Business Systems***

Efficient and effective working is enabled by organisations using the same business systems. This applies particularly to common business planning systems, performance and risk management arrangements and corporate support. Ideally the B&NES CCG and the B&NES Council will move towards common working practices as soon as possible, however both practical considerations (e.g. existing contracts) and external drivers, such as the need for the B&NES CCG to respond to wider NHS requirements, make this challenging. Common or shared systems are therefore unlikely in the short term.

Where possible the alignment of business systems will be a significant element of the organisational development programme going forward. Priority will be given to developing an integrated approach to performance management. Every effort will also be made to align Standing Orders, Standing Financial Instruction and Schemes of Delegation to enable the joint teams to operate as smoothly and efficiently as possible.

### ***Support and Other Functions***

As part of the work to establish the B&NES CCG the opportunities for sharing support service and common functions has been reviewed. The scope for shared services to operate from 1 April 2013 is limited. Any arrangements for the supply of services by one organisation to the other will be attached to the framework. A further appendix will describe the arrangements for functions which are regarded as critical to the functioning of the joint working arrangements and where divergent approaches will add complexity to management – these include safeguarding, health and safety, information sharing, emergency planning and audit arrangements. In support of joint commissioning arrangements and as part of the wider commitment to joint working the B&NES Council and B&NES CCG will continue to explore opportunities for sharing common functions and support services. This work forms part of the future organisational development programme. Decisions on whether services and functions can be shared will have to take account of:

- The opportunity to maximise the efficiency and effectiveness of commissioning arrangements by simplifying cross-organisational working
- Value for money
- Any regulatory or national policy requirement particularly with regard to procurement arrangements.

## **Section 4 – Oversight and Terms of the Framework**

It is intended that this framework will be in place until such time as the B&NES CCG and B&NES Council decide otherwise. The Framework and its supporting schedules will be reviewed annually by a Joint Committee for the Oversight of Joint Working established for this purpose. Terms of Reference for this Committee will be attached. Its key features are the requirement to

- Monitor the operation of the formal S113 and Financial arrangements
- Annually review joint working and the development programme
- Act as an escalation route in the event of disputes.

Each specific legal agreement appended to this framework will include its own terms and conditions under which it operates.

### **Conclusion**

This document reflects the aspiration and commitment of the B&NES Council and B&NES CCG to maximise the benefits of joint working, and sets out both the intent around joint working and the mechanisms by which this can be achieved. The operation and development of the framework will be reviewed annually by the Joint Committee for the Oversight of Joint Working.

## **Schedule of appendices that will be developed to complete the Joint Working Framework**

1. Aims and intended outcomes
2. Scope of joint working
3. HWB Terms of Reference
4. Joint Committee for the Oversight of Joint Working: Terms of Reference
5. Joint leadership and management arrangements
6. S113 agreement including HR Protocols
7. Schedule of Financial Arrangements
8.
  - i Support Arrangements including Public Health
  - ii Governance Arrangements
9. Overall Development Programme