

JOINT WORKING FRAMEWORK

[April 2013
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Section 1 - Nature and purpose of Joint Working

1. What is The Joint Working Framework?

The Joint Working Framework (the Framework) is a document that expresses the commitment to and arrangements under which Bath and North East Somerset Clinical Commissioning Group (BaNES CCG) and Bath & North East Somerset Council (B&NES Council) will work together for the benefit of local people.

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.

2. Purpose of Joint Working

B&NES Council and BaNES 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 wellbeing of local people. BaNES CCG and B&NES Council share an ambition to work together to seamlessly plan, commission and deliver better quality services in order to improve the health and care of the population of Bath & North East Somerset.

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.

2.1 Our Shared Vision

We are outcomes driven working to provide the right services and solutions for our communities. Our culture is open, owns decisions and is resilient. We trust each other to act in the best interest of residents, customers and colleagues.

2.2 Our Shared Priorities

- Protecting and caring for our most vulnerable
- Nurturing residents' health, safety and wellbeing
- Providing ways for everyone in the community to reach their full potential

2.3 Our Shared Values

- **Accountable** - we all take responsibility for our actions

- **Acting with Integrity** - we are transparent and build trusting relationships
- **Collaborative** - we work together to create efficient and sustainable solutions
- **Caring** - we do our best for each other and the people of Bath & North East Somerset
- **Curious** - we ask questions and listen to understand and improve
- **Outcomes driven** - we create solutions and deliver

2.4 Our Aims and Intended Outcomes¹

Aims:

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

Expected outputs:

- Shared strategy and priorities
- A shared understanding of need and demand for health and care
- Joint development and investment plans
- Aligned business planning and performance management arrangements
- Clearer and more efficient communication with stakeholders
- Greater opportunities to influence
- Efficiency savings

Expected outcomes:

- Better services for local people
- Delivery of key priorities set out in the Joint Health and Wellbeing Strategy
- Effective delivery of the CCG's and LA's respective published plans, capitalising on synergies and interdependencies between the two organisations
- Sustaining and improving both CCG and LA performance against a range of national outcome indicators

Achieved through:

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

¹ Please review and confirm if these outcomes are correct and up to date.

3. Why is a Joint Working Framework 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 BaNES 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.

4. 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 and Wellbeing Board and the range of services covered by the BaNES CCG and the B&NES Council's People and Communities Department, which includes public health following its transfer into B&NES Council. A schedule describing the functions/ activities covered is attached at [Appendix 1]².

The Health and Social Care Act 2012 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 BaNES CCG and B&NES Council to consider integrated approaches to meet this objective. The existing Health and Wellbeing Board reviewed its membership and remit in light of national guidance and now continues to operate in a refreshed form at a strategic level approving plans and priorities and promoting strategic coherence.

4.1 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; and
- 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. In operationalising the Framework it will be critical to pay attention to the on-going development of strong relationships.

² Please review appendix 1 and confirm whether this needs to be updated.

As stated in Section 1 BaNES CCG and B&NES Council's 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 BaNES 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]³. 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; and
- A shared organisational development programme.

Section 3 - Mechanisms to support Joint Working

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

3.1 Governance and Leadership

B&NES Council and BaNES 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 is a schedule of all formal delegation and/or cross charging arrangements that are in operation under specific statutory powers.

A new Health and Care Board will oversee the operation of all joint working arrangements. Further details of its role, function and Terms of Reference are provided at Appendix 2.

3.2 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 Health and Wellbeing Board offers a vehicle to assist in contemporaneous decision making. The HWB is made up of senior officers from the Council, local councillors, and senior members from the CCG, the Director of Public Health and representatives from Health Watch. The HWB is co-chaired by B&NES Council's Cabinet Member for Wellbeing and the Chair of BaNES CCG. The Health and Wellbeing Board's role is to ensure there is a joined up approach to service delivery, to develop a joint Health and Well-being Strategy for B&NES and to approve strategic

³ Please confirm whether this needs to be updated i.e. to include new locations.

plans and priorities, including those for substantial service change, and oversee their implementation.

BaNES CCG's Integration Committee and B&NES Council's Cabinet Committee will meet jointly as the Health and Care Board, making the same decisions, at the same time. The Health and Care Board will act as a single health and wellbeing commissioning body for Bath and North East Somerset.

The Health and Care Board will develop and oversee the programme of work to be delivered by the Joint Commissioning Committee and review and define the integrated commissioning arrangements between BaNES CCG and B&NES Council. The Joint Commissioning Committee is a sub-committee of the Health and Care Board. The Joint Commissioning Committee will be authorised by BaNES CCG to act within its terms of reference through the BaNES CCG's scheme of delegation and B&NES Council's officers will be able to take decisions on behalf of B&NES Council subject to B&NES Council's scheme of delegation – the Terms of Reference for the Joint Commissioning Committee are attached at Appendix 3.

The Integration Committee and the Cabinet Committee will have delegated responsibilities to manage commissioning responsibilities for the areas in the agreed scope. Each organisation will retain responsibility for decisions on the use of resources which will be made in line with that organisation's scheme of delegation and reserved powers. 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.

It is noted that where the Cabinet Committee needs to make 'key decisions', it will need to publish the forthcoming key decision in accordance with the access to information rules.

The Health and Care Board will work in partnership with the Health and Wellbeing Board and the Joint Commissioning Committee. Appendix 4 provides an overview of the governance and leadership arrangements and linkages to the Health and Wellbeing Board.

The scope of joint working arrangements may be amended (either to add services or remove services from the scope of services set out at Appendix 1) by either a resolution of the Health and Care Board, or by decisions of BaNES CCG and B&NES Council separately. BaNES CCG and B&NES Council consider any changes to the scope should be annual (and aligned with the financial year), however, it is noted that in certain circumstances additional changes to the scope may be necessary and the parties will work together to implement the changes.

3.3 Shared and Coordinated Management arrangements

B&NES Council and BaNES CCG entered into a Joint Working Framework in April 2013. The development of this Framework has been possible under Section 75 of the Health and Social Care Act 2006, which allows local authorities and health organisations to pool funds. This Framework provides the legal framework in which B&NES Council and BaNES CCG work together in order to achieve their strategic objectives of commissioning and providing cost effective, personalised, quality services to the people of Bath & North East Somerset. As part of this arrangement, B&NES Council and BaNES CCG have entered into a number of pooled budget arrangements, totalling circa £111million.

The joint management teams continue to operate under Section 113. Both B&NES Council and BaNES CCG have worked together on a coordinated approach which results in the arrangements set out at Appendix 5.

These arrangements will:

- create a single team responsible for integrated commissioning across the whole remit of health, people and communities in Bath and North East Somerset
- enable each organisation to conduct its business separately where appropriate, allowing BaNES 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.

Those posts which will operate under S113 arrangements are highlighted, as are posts which have been designated as those where the employer must either be B&NES Council or BaNES CCG.

Historically the relative contributions of B&NES Council and BaNES CCG 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 the Health and Care Board which will be accountable to B&NES Council's Cabinet and BaNES CCG's Board.

A Section 113 (S113) agreement is attached at Appendix 6 and requires specific approval by both B&NES Council and BaNES CCG. 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; and
- describe the arrangements for dealing with disputes and termination.

Also included in the S113 agreement is a 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 staff are managed by an employee of the partner organisation.

The guidelines cover the decision making process for determining whether B&NES Council or BaNES CCG 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 parties and in no way affects their statutory obligations or the terms and conditions of staff of BaNES CCG and/or B&NES Council.

3.4 Financial Framework

The B&NES Council and the BaNES 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 by B&NES Council and BaNES CCG. 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

B&NES Council and BaNES CCG 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. These are scheduled at Appendix 7. Arrangements for monitoring and providing assurance in respect of the use of these monies have also been reviewed and strengthened where necessary. There are three main types of arrangements, as follows:

- Section 75/Section 10 agreements where B&NES Council and BaNES CCG agree to operate pooled funds for specific purposes, with responsibility for hosting and managing the pooled budget undertaken by B&NES Council;
- Recharges connected to Section 113 posts, which have formal joint accountability; and

- Other arrangements by which B&NES Council or BaNES CCG either provides services to the other or effectively acts as paymaster for the other in respect of specific areas of commissioned service

3.5 Alignment of Business Systems

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

3.6 Support and Other Functions

In support of joint commissioning arrangements and as part of the wider commitment to joint working B&NES Council and BaNES 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; and
- 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 BaNES CCG and B&NES Council decide otherwise. The operation and development of the Framework will be reviewed twice annually by the Health and Care Board (Terms of Reference attached at Appendix 2).

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

Conclusion

This Framework reflects the aspiration and commitment of the B&NES Council and BaNES 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.

Tracey Cox – Chief Officer Bath and North East Somerset Clinical Commissioning Group	Ashley Ayre – Chief Executive Bath and North East Somerset Council

Schedule of Appendices

1. Appendix 1 Scope of joint working ⁴
2. Appendix 2 Health and Care Board Terms of Reference
3. Appendix 3 Joint Commissioning Committee Terms of Reference
4. Appendix 4 Overview of the governance and leadership arrangements and linkages to the Health and Wellbeing Board.
5. Appendix 5 Diagram of Joint leadership and management arrangements⁵
6. Appendix 6 S113 agreement including HR Protocols and sample 113 agreement for individual postholders
7. Appendix 7 Schedule of Financial Arrangements for 2017/18 and 2018/19

⁴ It is noted that the scope of joint working will be as annexed to the Health and Care Board's Terms of Reference

⁵ This will be the updated diagram with the Health and Care Board (as annexed to the CCG Board report (March 2018))