



Executive
26 May 2009

**Report from the Director of
Housing and Community Care**

Wards Affected:
None

**Commissioning Services for Carers 2009-2011- partnership
arrangements**

Forward Plan Ref: H&CC-09/10-34

1.0 Summary

1.1 This report considers the best approach to deliver seamless, effective, efficient, good quality and value for money services for carers in Brent for the period 2009-10 and 2010-11 and recommends entering into a partnership arrangement with NHS Brent pursuant to Section 75 National Health Services Act 2006, to deliver such services.

2.0 Recommendations

2.1 The Executive give approval to the Council entering into partnership arrangements with NHS Brent for the establishment of a pooled budget for the period 2009-2011 with joint commissioning arrangements (pursuant to Section 75 National Health Services Act 2006)

2.2. The Executive to give approval to the review of joint commissioning arrangements at the end of the financial year 2009/10 and to the establishment of lead commissioning by the Council should this be deemed a more effective and efficient way of commissioning services.

2.3 The Executive note that entry into the partnership arrangements detailed in paragraphs 2.1 and 2.2 is subject to approval of NHS Brent Executive Management Committee.

3.0 Detail

- 3.1 There are over 23,000 carers in Brent, some providing up to 50 hours of care a week. These carers provide care and support to older people, adults with disabilities, those with mental ill health, learning disabilities and substance misuse issues and children with disabilities. The Council has duties under legislation (Carers Recognition and Services) Act 1995, Carers and Disabled Children Act 2000 & Carers (Equal Opportunities) Act 2004) to assess the needs of carers providing substantial and regular care and has powers to provide support and services to meet eligible needs.
- 3.2 The Carers' Grant, which is an annual Department of Health grant provided to all local authorities, enables the Council to provide additional support to carers and commission carer services through the voluntary sector. The Carers Grant now forms part of the Council's area based grant and indicative allocations for 2009/10 and 2010/11 are £1.538m and £1.632m respectively.
- 3.3 The Carers Grant is also used to commission respite care through our internal purchasing budgets.
- 3.4 NHS Brent also supports carers of adults and children who meet the NHS continuing care criteria, providing breaks to carers in order for them to continue in their caring role. Better Quality Care and the NHS Operating Framework 2009-11 highlights the need for health services to support carers and provide preventative services to enable them to maintain their own health and wellbeing in partnership with local authorities and the third sector.
- 3.5 The National Carers' Strategy announced £150m would be given to Primary Care Trusts (PCT's) over the next two financial years (2009-10, 2010-11) to provide breaks for carers. The purpose of this funding is to develop and improve support for carers in partnership with local authorities, voluntary and third sector agencies and carers themselves. NHS Brent is expected to receive £313k in 2009-10 & £624k in 2010-11.
- 3.6 Following discussions between the Council and NHS Brent, Officers consider that improving support for carers in Brent can be achieved most effectively through a partnership approach between both organisations. Section 75 National Health Services Act 2006 allows three approaches to developing closer partnership arrangements through:
- **Pooled funds** - the ability for partners each to contribute agreed funds to a single pot, to be spent on agreed projects for designated services
 - **Lead commissioning** - the partners can agree to delegate commissioning of a service to one lead organisation
 - **Integrated provision** - the partners can join together their staff, resources, and management structures to integrate the provision of a service from managerial level to the front line
- 3.7 Having reviewed the options for partnership arrangements that are available, Officers in both the Council and NHS Brent consider that a pooled fund

arrangement for the period 2009-11 supported through joint commissioning between both organisations would be appropriate for 2009-2011. Officers propose reviewing these arrangements at the end of the financial year 2009/10, after these new partnership arrangements have been firmly established, with a view to moving towards a lead commissioning arrangement with the Council being the delegated lead commissioner, should this be deemed a more effective and efficient way of delivering better outcomes for carers with better value for money in commissioning services for carers.

3.8 The advantages to developing joint commissioning arrangements will help improve services in the following ways.

- Facilitate seamless, integrated service delivery
- Carers will have timely access to services
- Makes best use of available resources
- Less duplication of services
- More strategic approach to commissioning services
- More room for creative and innovative approaches as more funding available
- Room for newer service providers to come in and have a market share
- Help tackle cross cutting issues in a co-ordinated and planned way
- Promote carer involvement
- Improve user/carers experience of using public services

3.9 Both Brent Council and NHS Brent have considerable experience and expertise in developing, delivering and monitoring carers' services. Both organisations have supported and built capacity of voluntary organisations to deliver carers' services, and there will be efficient use of resources by combining commissioning with what already exists.

3.10 Brent Council and NHS Brent currently work together on delivering some joint services and have signed a number of agreements under Section 75 National Health Services Act 2006 ("Section 75 agreements"). There is in existence an overarching joint framework partnership agreement (agreed by the Executive on 15 November 2004 under predecessor legislation) and individual Section 75 agreements with NHS Brent form schedules to this overarching framework agreement. Any Section 75 agreement in connection with commissioning services for carers would also form a schedule to the framework agreement.

3.11 There are clearly identified budgets to deliver carers' services within both the Council and NHS Brent. It is proposed that a proportion of the Council's Carers' Grant budget that is used to commission services be used as the Council's contribution to the pooled budget. It is also proposed that a proportion of the monies received by NHS Brent from the National Carers' Strategy be used as NHS Brent's contribution to the pooled budget. The proposed areas of spend from the pooled budget are detailed in Appendix 1.

- 3.12 Both organisations have a strong commitment to support carers and pooling budgets will provide the opportunity to share one strategic vision which all agencies can contribute to regardless of organisational boundaries. It will allow the Council to plan and allocate resources longer term and this will improve the management of finances locally.
- 3.13 Officers from both the Council and NHS Brent have been involved in various discussions regarding the proposed form of the Section 75 agreement. Whilst these discussions are ongoing attached as Appendix 2 is an outline of some of the proposed arrangements. Officers will continue to discuss proposed arrangements and jointly identify and agree areas for spend.

Commissioning intentions

- 3.14 Brent Carers Strategy 2009-11 is currently being reviewed and carers are being consulted on priorities and action. Feedback from carers has identified the need for good quality and flexible services that are tailored to their needs, and better support from general practices and other health professionals.
- 3.15 The Carers' Priority Action Group has also identified the need for organisations (health, local authority and the third sector) to work together to build on and develop innovative joined up services that will provide greater choice and enable carers to care, maintain their own health and wellbeing, and access opportunities, such as employment, training, leisure/cultural activities.
- 3.16 There will be further consultation with carers and wider community as part of review of the Carers Strategy. However initial feedback has identified the need to commission services
- which address not only practical needs but also emotional and psychological needs, aim to reduce effects of caring and enhance quality of life;
 - which target preventative services (for example advocacy, information and advice, quality breaks, emotional support)
 - which have a bias towards flexible non building-based services

4.0 Financial Implications

- 4.1 It is recommended that a pooled budget covered by a Section 75 agreement is entered into and it will be subject to conditions set out in the framework agreement between NHS Brent and the Council. The risk of overspends will be low because services will be jointly commissioned. The risk will be further reduced because much of the spending will be via contracts with carers' organisations and these payments will be cash limited.
- 4.2 The Council proposes to contribute 38% of their total allocated Carers' Grant for 2009-2010 and 37% for 2010-2011 into the pooled budget. NHS Brent proposes to make an equivalent contribution of 38% for 2009-2010 and 37%for 2010-2011 into the pooled budget from the monies allocated to NHS

Brent through the National Carers' Strategy. The proposed individual contributions from both organisations will therefore be as follows:

Financial year	LA contribution £000	NHS Brent Contribution £000	Pooled Budget £000
2009/10	596,750	122,070	718,820
2010/2011	608,685	205,920	814,605

4.3 The Council's contribution will therefore make up 83% of the total pooled budget in 2009/10 and 75% in 2010/11. The contribution from NHS Brent will account for 17% of the total pooled budget for 2009/10 and 25% in 2010/11.

4.4 As detailed at paragraph 3.11, the proposed areas of spend are detailed in Appendix 1. The spending identified in the New Resources column will be funded from the Brent NHS contribution to the pooled budget.

4.5 Agreeing this report commits the council to no new spending and the spending planned for 2009/10 is included in the council's approved budget.

4.6 By entering into a pooled budget with Brent NHS it should be possible to achieve better value for money for the resources spent: resources from the pooled budget can be targeted at areas of the highest need regardless of whether the person has come through the health care system or social care.

5.0 Legal Implications

5.1 The National Health Services Act 2006 ("NHS Act") requires local authorities and NHS bodies to work together to improve health and social care and Section 75 of NHS Act provides for flexible funding and working arrangements to be established by agreement to facilitate this. This includes the establishment of pooled budgets and lead commissioning.

5.2 The Council entered into an overarching framework agreement with Brent Teaching Primary Care Trust (NHS Brent) under Section 31 of the Health Act 1999. This has now been repealed and replaced by Section 75 of the NHS Act. Though entered into under Section 31 of the Health Act 1999, this framework agreement still forms the basis for joint working between the Council and NHS Brent under Section 75 of the NHS Act. Any Section 75 agreement in relation to commissioning services for carers would therefore form a schedule to the framework agreement and will be reviewed at the end of the financial year 2009/10.

5.3 As detailed in paragraph 3.7 it is intended to establish a pooled budget for the period 2009-2011 with joint commissioning between NHS Brent and the Council. It is proposed that commissioning arrangements are reviewed at the end of the financial year 2009/10 with a view to moving towards a lead commissioning arrangement with the Council being the delegated lead commissioner in 2010-2011, should this be deemed a more effective and

efficient way of delivering better outcomes for carers'. The NHS Act permits pooled budgets and both joint and lead commissioning as aspects of partnership arrangements.

- 5.4 The framework agreement sets out various matters that must be contained in a Section 75 agreement. These matters reflect and amplify the statutory requirements for all Section 75 agreements contained in the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. In agreeing a Section 75 agreement for commissioning services for carers, Officers will need to ensure that all matters listed in the framework agreement are addressed.
- 5.5 Standing Order 85 deals with partnership arrangements. This partnership arrangement requires Executive approval under Standing Order 85 (b) because it includes delegation of powers (in this case from NHS Brent to the Council) should it be decided in 2010 to move to a lead commissioning arrangement. In addition, Standing Order 85(a) requires that a formal agreement covering the partnership arrangement is put in place, while the Director of Finance and Corporate Resources also needs to approve the arrangements as set out in Financial Regulation 6.1.
- 5.6 All external services procured by the Council on behalf of the NHS Brent will need to be let in accordance with Council procurement procedures.

6.0 Diversity Implications

- 6.1 The commissioning process will identify areas of unmet need and identify gaps in the existing provision of services. Where specific black and minority ethnic communities are not accessing services it will seek to redress this by redesigning or reconfiguring services to widen access and deliver appropriate services that promote independence and choice.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are a number of infrastructure posts required to oversee the development and enhancement of services to carers across health and social care they include:

Carers' Commissioning Manager
Monitoring Officer – Carers' Services
Carers Assessor (Older People Services /Physical Disabilities)
Carers Primary Care Development Worker

- 7.2 It is proposed that the posts detailed in paragraph 7.1 will be Council employees (apart from the Carers Primary Care Development Worker which will be commissioned through NHS Brent possibly from the Voluntary Sector). There has been preliminary agreement with NHS Brent that these posts will be funded from the pooled fund. There will be further discussions with NHS Brent as to arrangements for these staff including arrangements on the expiry of the Section 75 agreement.

Background Papers

Draft Carers Strategy 2009-2014

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Commissioning Services for Carers 2009 -11

Proposed areas of Spend 2009-10

2009/10	Committed Spend 2009/2010 £000	New Resources 2009/2010 £000	Total Spend 2009/2010 £000
Carers Commissioning Manager		41,079 (PO5)	41,079 (PO5)
Monitoring Officer		26,064 (S01)	26,064 (SO1)
Carers Assessor – Older People /Physical Disabilities & Sensory Impairment & Continuing Care		32,190 (P02)	32,190 (P02)
<p>Carers Primary Care Development Worker- This post was within the Carers' Centre and NHS Brent would like to reinstate this post back within the Carers' Centre</p> <p>Scope and remit of this post will include:</p> <ul style="list-style-type: none"> • Development of GP training in conjunction with PRT and Carers' UK to help identify carers at an early stage • Develop training materials and good practice guidelines and disseminate to all GP practices • Identify all carers' in Brent and ensure that they have access to a health check • Help to engage carers' as partners in Care. To ensure that they are part of the planning of GP and hospital appointments, dealing with admissions and discharges as well caring for relatives whilst they are still in hospital 		32,190	32,190
<p>Carer Services & Support</p> <ul style="list-style-type: none"> • Breaks services for Carers (Befriending & sitting services/respice care/short breaks) • Direct payments /individual budgets • Carers Emergency Support Service • Information & Advice – including 	587,297		587,297

developing local and national information which will be uploaded onto the LA and NHS Brent websites <ul style="list-style-type: none"> • Advocacy • Consultation, • Counselling & emotional support (including support groups) • Young Carers support • Training leaflets and other materials for training staff and stakeholders • Training – to extend training to health professionals and other front line staff within social care and health • Development and review of the Carers' Strategy 			
Total	£587,297	£131,523	£718,820

Proposed areas of Spend 2010-11

Proposed Spending Plan Pooled Fund 20010/11	Committed Spend 2010/11 £000	New Resources 2010/2011 £000	Total Spend 2010/2011 £000
Carers Commissioning Manager	41,079 (PO5)		41,079 (PO5)
Monitoring Officer-	26,064 (SO1)		26,064 (SO1)
Carers Assessor – Older People /Physical Disabilities & Sensory Impairment & Continuing Care	32,190 (P02)		32,190 (P02)
Carers Primary Care Development Worker, Carers' Centre	32,190		32,190
<ul style="list-style-type: none"> • Carer Services & Support • Breaks services for Carers (Befriending & sitting services/respice care/short breaks) • Direct payments /individual budgets • Carers Emergency Support Service • Information & Advice – including developing local and national information which will be uploaded 	£587,297	£95,785	

<p>onto the LA and NHS Brent websites</p> <ul style="list-style-type: none"> • Advocacy • Consultation, • Counselling & emotional support (including support groups) • Young Carers support • Training leaflets and other materials for training staff and stakeholders • Training – to extend training to health professionals and other front line staff within social care and health • Development and review of the Carers' Strategy 			
Total	£718,820	£95,785	£814,605