

REPORT OF THE DIRECTOR OF PUBLIC HEALTH**SECTION 75 ARRANGEMENTS FOR PUBLIC HEALTH SERVICES****Purpose of the Report**

1. To seek approval from the Public Health Subcommittee to enter into Section 75 agreements for Public Health services with the Clinical Commissioning Groups in Nottinghamshire and the new Nottinghamshire and Derbyshire NHS Commissioning Board Area Team.

Information and Advice

2. Section 75 of the National Health Service Act 2006 contains powers enabling NHS bodies (as defined in section 275 of the NHS Act 2006) to exercise certain local authority functions and for local authorities to exercise various NHS functions. Section 75 gives NHS bodies and local authorities the flexibility to be able to improve services, either by joining up existing services, or by developing new, coordinated services. These flexibilities can be broadly categorised as:
 - lead *commissioning* for both health and social care
 - lead *provision* of an integrated health/social care service
 - *pooled* funding
3. The Audit Commission recommend that separate S75 arrangements are established for commissioning and provision in order to ensure a clear separation of the decision-making for both functions.
4. A S75 Partnership Agreement is a legal, contractual agreement between two parties. In entering into a S75 Partnership agreement, both parties continue to remain legally accountable for its statutory functions. However, the S75 agreement allows one party to delegate delivery of these functions to the other on a day-to-day basis. Integrating provision and commissioning remains a priority for both the NHS and Local Authority to improve outcomes for patients by joining up services, reducing duplication and making efficiencies by pooling funds and commissioning to a shared strategic plan.

5. The Health & Social Care Act 2012 directs Health & Wellbeing Boards to encourage health and social care services to work in an integrated manner and utilise Section 75 agreements.
6. In accordance with Regulations made under the National Health Services Act 2006, the section 75 agreement must be in writing and specify:
 - The agreed aims and outcomes of the arrangements
 - The payments to be made by the NHS bodies to the local authorities
 - How those payments may be varied
 - The NHS functions and the health-related functions which are the subject of the arrangements
 - The persons and the kinds of services likely to be affected by the functions.
 - The staff, goods, services or accommodation to be provided by the partners in connection with the arrangements.
 - The duration of the arrangements and provision for the review or variation or termination of the arrangements.
 - The arrangements in place for monitoring the exercise by the local authorities of the functions.
7. Public Health is reviewing the commissioning of services in light of the transfer to Nottinghamshire County Council and has identified several areas where section 75 agreements offer advantages to commissioning Public Health services. These may include school nursing, community nutrition, prisons, dental epidemiology and fluoridation.
8. The Public Health Sub-Committee is asked to support the establishment of section 75 agreements where they will help to streamline or improve commissioning of services and delegate the authority to approve the agreements to the Director of Public Health in consultation with the Deputy Leader of the County Council (and Chair of the Public Health Subcommittee).

Statutory and Policy Implications

RECOMMENDATION/S

1. To Approve the entering into S75 agreements for Public Health services with the Clinical Commissioning Groups and the NHS Commissioning Board from 1 April 2013.
2. To delegate authority to the Director of Public Health in consultation with the Deputy Leader of the Council to approve the necessary details to execute this agreement in line with the relevant regulations.
3. To authorise the Group Manager Legal Services to enter into any and all necessary documentation to give effect to the recommendations set out above.

DR CHRIS KENNY
DIRECTOR OF PUBLIC HEALTH

Financial Comments (ZKM 03.04.13)

The financial implications are contained within paragraphs 4 to 8 of this report.

Constitutional Comments (NAB 03.04.13)

Public Health Sub-Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All.