

## IMPLEMENTATION EXECUTIVE

22 APRIL 2009

**THE RESTRUCTURE OF THE DEPARTMENT FOR CHILDREN AND EDUCATION: JOINT COMMISSIONING OF CHILDREN'S SERVICES****Executive Summary**

The report describes the progress so far in developing the joint commissioning of children's services in Wiltshire, and sets out a recommendation to the NHS Wiltshire (PCT) Board and Implementation Executive to strengthen further joint commissioning by appointing a joint Service Director post between the Council and NHS Wiltshire, and to agree to establish the governance arrangements to delegate authority of NHS Wiltshire's responsibilities for the commissioning of children's services to the Council.

**Proposal**

The Implementation Executive is asked to approve:

1. The appointment of a joint Service Director for children's commissioning and performance, subject to agreeing final terms and conditions.
2. A recommendation to the Children's Trust Board that the membership of the Children's Trust Board Executive is reviewed and the Director of Nursing, Midwifery and Allied Health Professionals (the Director lead for children's commissioning in NHS Wiltshire), and a Non Executive Director from NHS Wiltshire are included in the membership.
3. That a strategic commissioning team is established and led by the Service Director for children's commissioning and performance.
4. That NHS Wiltshire and Wiltshire Council work towards establishing governance arrangements to delegate authority to the Council for NHS Wiltshire's commissioning responsibilities for children. This would be the subject of a future report.

**Reason for Proposal**

Wiltshire Council as the lead agency for children's services and NHS Wiltshire have been active partners in the Children's Trust Board arrangements. They have successfully worked together on shaping new services, such as improving child and adolescent mental health specialist services and safeguarding children

These partnership successes, and the recognition of the importance of joint working in achieving improved outcomes for children and young people, have led to a desire by both the Council and NHS Wiltshire to go further and faster in terms of joint working.

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# **JOINT COMMISSIONING OF CHILDREN'S SERVICES IN WILTSHIRE**

## **Purpose of Report**

1. The report sets out a recommendation to the NHS Wiltshire Board and the Implementation Executive to strengthen joint commissioning within children's services by appointing a joint Service Director post between Wiltshire Council and NHS Wiltshire and to agree to work towards establishing the governance arrangements to delegate NHS Wiltshire responsibilities for the commissioning of children's services to Wiltshire Council.

## **Background**

2. The multi agency partnership body which is responsible for developing the local strategy for improving children's lives is the Children and Young People's Trust Board which has been established in Wiltshire since April 2005. The structure of the Trust Board is attached in Appendix 1.

3. The Children's Trusts Board priorities are set in the national context of Every Child Matters: Change for Children 2003, which sets out the Government's key aims for all children and young people against the five outcomes that children believe are important (Being Healthy, Staying Safe, Enjoying and Achieving, Making a Positive Contribution and Achieving Economic Well-being). Further policy guidance and legislation shaping the framework for improving the lives of children are; The Children's Act 2004 – which provided the legislation to underpin Every Child Matters and set a requirement for the Local Authorities and relevant partners to cooperate to improve children's well being; National Service Framework for Children and Young people 2004; The Children's Plan 2007; High Quality Care for All: NHS Next Stage Review 2008 and Healthy lives, brighter futures – the strategy for children and young people's health 2009.

4. In December 2008, statutory guidance was published for Children's Trust Boards which identifies the essential features of a Children's Trust:

- A child centred, outcome led vision: a compelling outcome led vision for all children and young people, clearly informed by their views and those of their families and carers.
- Integrated front line delivery organised around the child, young person or family, rather than professional boundaries or existing agencies.
- Integrated processes: effective joint working sustained by a shared language and shared processes.
- Integrated strategy: joint planning and commissioning, pooled budgets.
- Interagency governance, with robust arrangements for interagency cooperation.

5. Wiltshire Council (who is the lead agency for children's services) and NHS Wiltshire have been active partners in the Children's Trust Board arrangements, and have successfully worked together on shaping new services, such as improving children's and adolescent mental health specialist services and safeguarding children.

6. These partnerships successes, acknowledged by the recent Joint Area Review (JAR, November 2008), and the recognition of the importance of joint working in

achieving improved outcomes for children and young people, has led to a desire by both the Council and NHS Wiltshire to go further and faster in terms of joint working. The proposal to appoint a joint Service Director was also discussed and supported by the JAR inspectors as an important next step in aligning NHS Wiltshire and Wiltshire Council resources in order to jointly commission effective services for children and young people.

7. The review and subsequent restructure proposals for the Department for Children and Education has provided a timely opportunity to take this initiative forward (see Appendix 2, Restructure News: April 2009 for a summary of the new structure).

8. The role purpose for the joint Service Director post will include:

- In response to needs assessments lead the strategic and service planning process on behalf of NHS Wiltshire and the Council for Children's and Families Services in conjunction with Practice Based Commissioners and other key staff and stakeholders to ensure the delivery of local and national priorities
- Lead on the implementation of the commissioning framework for Children's and Families Services working closely with the corporate procurement teams in both the Council and NHS Wiltshire
- Lead, on behalf of the Trust Board, the redesign of agreed Children's and Families Services, including where appropriate the development of multi-agency care pathways
- Lead the development of service specifications to enable the procurement of quality services with clear benefits and outcomes which can be measured to evaluate performance
- Lead performance management, self-evaluation and quality assurance arrangements for Children's Services
- Support procurement and contracting teams in the negotiation and management of contracts with providers of services for children and families
- Provide support for the on-going development of the Children's Trust in line with statutory guidance
- Lead the monitoring and evaluation of change to ensure services deliver quality, clinical and cost effectiveness
- Provide strategic leadership for the implementation of the Trust Board's workforce strategy, including Inclusion and Equalities
- Lead the Council's response in relation to complaints and FoI
- Provide leadership, together with the Council's Chief Finance Officer, for the Council's financial arrangements in relation to children's services, including Schools Forum
- Ensure that the Council's Children and Young People's Department effectively contributes to Corporate Programme Boards including risk management, ICT, commissioning and procurement

### **Main Considerations for the Implementation Executive**

9. A key next step is therefore to integrate the Council and NHS Wiltshire commissioning function for children's services, through a joint Service Director for commissioning and performance, who would report to the Council's Director of Children and Education.

10. To support the effective functioning of the post, it is proposed that:

- 10.1 A recommendation is made to the Children's Trust Board that the membership of the Children's Trust Board Executive is reviewed, and the Director of Nursing, Midwifery and Allied Health Professionals (the Director role covering children's commissioning, NHS Wiltshire) and a non-executive director from NHS Wiltshire are included in the membership. Further, the Children's Trust Board terms of reference and structure will be reviewed in light of future government guidance.
- 10.2 A strategic commissioning team is established and led by the new Service Director for commissioning and performance. This team would work closely with both the Council's and NHS Wiltshire's corporate procurement teams, especially as the team will be funded from current resources and will be relatively small. It is also proposed that a public health representative links to this team. This team will provide support and report to the Children's Trust Board Executive.
- 10.3 NHS Wiltshire and Wiltshire Council work towards establishing governance arrangements to delegate authority to the Council for the NHS Wiltshire commissioning responsibilities for children. This would be the subject of a future report and the framework is likely to be a section 75 partnership agreement under the National Health Service Act 2006.
- 10.4 Any recommendations requiring financial investment or disinvestment will continue to be taken to the Cabinet and the NHS Wiltshire Board for approval
- 10.5 The breadth of the proposal at this stage is based on the integration of the commissioning management functions, based on both organisations current commissioning management budgets for children. However, pooled budgets and the integration of service provision are likely to inform future proposals to the Cabinet and NHS Wiltshire Board.

### **Environmental Impact of the Proposal**

11. None identified

### **Equality and Diversity Impact of the Proposal**

12. The proposal will support equality and opportunity through the effective commissioning of services for children and young people, and in particular for those at risk of poorer outcomes.

13. The Children and Young People's Trust Board has adopted a 'commissioning and strategy framework' which sets out robust standards which need to be met through all commissioning activities in relation to equality and diversity. The backdrop to all commissioning of children's and young peoples services is the Children and

Young People Plan (CYPP) which sets out the key priorities which need to be achieved in Wiltshire to make a positive difference for children and young people.

14. The action plans supporting each priority have been subject to an Equality Impact Assessment.

### **Risk Assessment**

15. On the basis of experience within the Council, it is clear that a closely managed and phased approach to the integration of services is essential to mitigate risk.

16. The appointment of a joint Service Director enhances the ability of both the Council and NHS Wiltshire to ensure that additional challenge and rigour is applied to all existing commissioning activities in relation to children's services.

17. Any decisions requiring financial investment or disinvestment will continue to be taken to both Cabinet and the NHS Wiltshire Board for approval.

18. Ultimately, joint working across the Council NHS Wiltshire, combined with corporate procurement expertise, will ensure that the commissioning framework is robustly adhered to. This ensures that all activities which may lead to integrated commissioning will be thoroughly assessed and analysed prior to any decision to jointly commission.

### **Financial Implications**

19. The implementation Executive, through the budget setting process, has already agreed the additional resource needed to support the appointment of a joint Service Director for commissioning and performance management. This resource will be added to the current management budget for commissioning children's services within NHS Wiltshire in order to progress the joint arrangements which will be line managed within the Council.

### **Legal Implications**

20. Approval for the joint Service Director post will need to be given by both the Council's Implementation Executive and NHS Wiltshire Board. Whilst not a legal requirement it is important to note that the proposals have been discussed and are fully supported by the Trust Board Executive. The Council will have employer responsibilities for the new employee and the employee will report to the Director for Children and Education.

### **Options Considered**

21. The option of maintaining the status quo i.e. separate commissioning functions has been considered and rejected as it is felt that greater integration of the commissioning function is needed to achieve increased efficiencies and effectiveness and secure value for money. There is evidence from existing joint commissioning activities, both within Wiltshire and nationally, that well managed processes can lead to improved service delivery and better value for money.

## **Conclusion**

22. The national policy direction for children's services is for greater integration of commissioning and service delivery between partners, particularly between Local Authorities and the NHS, to improve the lives of children and young people and achieve value for money.

23. Locally, effective partnership working has been rapidly developing between the Wiltshire Council and the NHS, which has led to a confidence to make a step change in progressing further integration.

24. The Implementation Executive is asked to approve:

- 24.1 The appointment of a joint Service Director for children's commissioning and performance, subject to agreeing final terms and conditions.
- 24.2 A recommendation to the Children's Trust Board that the membership of the Children's Trust Board Executive is reviewed and the Director of Nursing, Midwifery and Allied Health Professionals (the Director lead for children's commissioning in NHS Wiltshire) and a Non Executive Director from NHS Wiltshire are included in the membership.
- 24.3 That a strategic commissioning team is established and led by the Service Director for children's commissioning and performance.
- 24.4 That NHS Wiltshire and Wiltshire Council work towards establishing governance arrangements to delegate authority to the council for the NHS Wiltshire's commissioning responsibilities for children. This would be the subject of a future report.

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## **Background Papers**

1. Report to the Trust Board Executive proposing the Development of a Strategic Commissioning and Planning Team, Agenda Item 06: March 2009, [www.wiltshirepathways.org/UploadedFiles/ctb\\_18\\_07\\_-\\_commission\\_strat.doc](http://www.wiltshirepathways.org/UploadedFiles/ctb_18_07_-_commission_strat.doc)
2. Joint Area Review, November 2008 <http://www.wiltshirepathways.org/UploadedFiles/dce-wiltshire-jar-report-10-nov-08.pdf>
3. National Health Service Act, 2006 [http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH\\_064103](http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH_064103)
4. Children And Young Peoples Plan, <http://www.wiltshirepathways.org/GenPage.asp?ID=18>
5. Every Child Matters: Change for Children 2003 <http://www.everychildmatters.gov.uk>
6. The Children's Act 2004 [http://www.opsi.gov.uk/acts/acts2004/ukpga\\_20040031\\_en\\_1](http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1)
7. The National Service framework for Children and Young People 2004 [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH\\_4094329](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH_4094329)
8. The Children's plan 2007 <http://www.dcsf.gov.uk/childrensplan>

9. High Quality Care for All: NHS Next Stage Review 2008  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085825](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085825)
10. Healthy lives, brighter futures – the strategy for children and young people’s health 2009 <http://www.healthyschools.gov.uk/Uploads/Resources/4dc3cbf1-2e5d-496a-8dba-ab131e137980/Healthy%20Lives%20Brighter%20Futures.pdf>
11. NHS Wiltshire Strategic Framework 2008-2011

## **Appendices**

Appendix 1 – Structure of Wiltshire’s Children and Young People’s Trust Board  
[www.wiltshirepathways.org/UploadedFiles/Trust\\_structure.doc](http://www.wiltshirepathways.org/UploadedFiles/Trust_structure.doc)

Appendix 2 - Restructure News, April 2009  
<http://thewire.wiltshire.council/dce-restructure-news-2.v2.pdf>