



**Surrey Downs**  
**Clinical Commissioning Group**

<b>Title of paper:</b>	<b>Carers Section 256 Agreement</b>
<b>Meeting:</b>	Governing Body, 31 <sup>st</sup> January 2014
<b>Author:</b>	Debbie Hustings Partnership Manager Carers
<b>email:</b>	
<b>Exec Lead:</b>	Karen Parsons

<b>Purpose</b>	To Agree	
	To Advise	
	To Note	

**Brief summary:**

**Proposal for NHS Carers Funding to be formalised in a Section 256 agreement with Surrey County Council**

The DH gateway letters for the Integrated Transformation Fund (ITF) now known as 'Better Care' are inclusive of NHS Carers Funding. The funding must be used to support adult social care services in each local authority, which also has a health benefit.

NHS Carers funding amounts to £2,261,263.00 across the 6 Surrey CCGs. Surrey Downs CCGs commitment is £552,517.00 (24.43%) annually. Surrey County Council host all joint funding arrangements on behalf of the CCGs. Funding is allocated through the Surrey Carers Commissioning Group. Each CCG has appointed a carers lead who is invited to join the group. The Partnership Manager (Carers) works across the collaborative to provide a collective approach and works closely with Karen Parsons Carers Lead and Denise Crone Lay member for Surrey Downs CCG.

Formal planning guidance was published in December 2013. This proposal will help pave the way for the implementation of Better Care 2015/16. Surrey is already compliant with the directives as set out in the guidance with

regards to NHS carers funding but needs to formalise the transfer in a Section 256 agreement with the county council for 2014/15 and develop 5 year joint strategic carer's plans which will include an assessment of future capacity requirements across the system. The latter will be lead by the Joint Surrey Carers Commissioning Group in collaboration with CCGs and carers organisations and will take into account the Royal College of General Practitioners Commissioning for Carers Guidance 2103 and the new requirements of the Care Bill.

Attached as Appendix A is a draft Section 256 agreement for the Governing Bodies approval.

The draft is written on behalf of Guildford & Waverley CCG (who have already formally adopted it), East Surrey and Surrey Downs CCG. These CCGs have agreed to work collaboratively on carers work but the draft could also be adopted by North West, Surrey Heath and NE Hants and Farnham CCG to achieve a whole systems approach with the county council. This would allow for each CCG to meet the needs of their own strategic plans within a wider footprint.

The proposal meets the joint time line. Contracts are required to be signed off by the 24<sup>th</sup> February 2014.

Link:

<http://www.hsj.co.uk/Journals/2013/11/12/m/z/q/4-Nov-2013-Joint-planning-letter.pdf>

Furthermore NHS England is currently working to establish an **NHS Commitment for Carers**. Ensuring that the 5.4 million people in England who care for a friend or family member are valued, recognised and supported, is enshrined in the Department of Health's mandate to the NHS Commissioning Board (now NHS England). One key objective is particularly relevant - "to ensure the NHS becomes dramatically better at involving patients and their carers, and empowering them to manage and make decisions about their own care and treatment." To help achieve this, NHS England and NHS Improving Quality are working to develop a series of 'commitments for action' that NHS England will take forward. These will be agreed at a workshop in December, Commitment for Carers, which will bring together an invited group of carers and care representatives, healthcare professionals, commissioners, senior clinical managers, and allied health professionals

#### **What happens next?**

- The proposal has already been agreed by Guildford and Waverley Governing Board and is now been taken to East Surrey and Surrey Downs CCGs for adoption January 2014.
- Following these formal discussions the draft will be offered to non associate CCGs.
- The paper has also been presented to the CFOs meeting for discussion. All CCGs have agreed the funding commitments.
- Work will continue across all Surrey CCGs to achieve collective approach
- Work with SCC to ensure agreement is fit for their purposes.
- Proposal will be shared with SCC Adult Leadership Team.
- The proposal was presented and agreed by The Surrey Carers Commissioning Group at their meeting 18<sup>th</sup> December 2013

➤ Implementation - 1<sup>st</sup> April 2014

**Quality and patient safety issues:**

Plans reflect the local Health and Wellbeing Strategy and will be discussed with partners once the proposal has been agreed.

Meet the needs of Joint Strategic Needs Assessment for our local population, and existing carers commissioning plans.

CCG objectives and commissioning intentions:

**Financial issues:**

None

Funding already agreed

Joint carers contracts and grants hosted by SCC.

Existing contracts run until 2015 with an option to extend for a further 2 years.

Compliant with EU procurement law

**Workforce issues:**

None

**Statutory compliance:**

Better Care

National Carers Strategy 2010

NHS England Commitment to Carers 2013

NHS Constitution 2013

Engagement with key partners includes:

- Associated CCGs
- Non associated CCGs
- Surrey County Council
- Surrey Carers Commissioning Group
- Action for Carers (Surrey)
- Surrey Carers Support Chairs Group

No safe guarding Risk

**Conflicts of interest:** None.

**Risk and assurance:**

Low risk, provided that the funds are directed towards delivery of shared strategic

intentions with the county council.

This proposal will pave the way for future formal funding arrangements as set down in 'Better Care'. It will come in to effect 1st April 2014 subject to formal sign off.

The payments are to be made via an agreement under Section 256 of the 2006 NHS Act.

**Accompanying papers** (please list):

- **Draft Section 256**

## **DRAFT Section 256 Agreement (NHS Carers Funding Transfer) 2014/15**

### **For the Transfer of NHS Carers Funding Allocations for the Benefit of Health and Overall Health Gain for Carers.**

**Ref:** In late June two Gateway letters from NHS England were sent referring to the transfer of funding from the NHS to Local Authorities. Subsequent letters have followed and include the next steps for implementing the £3.8bn Integration Transformation Fund for 2015/16 now known as 'Better Care Fund'. The BCF is a single pooled budget to support health and social care services to work more closely together in local areas.

Ref Department of Health Letters and Formal Guidance relating to Better Care:

- *19th June 2013 Funding Transfer from NHS England to social care 2013/14 Gateway Reference 00186*
- *26th June 2013 Spending Round Health Settlement 2015-16 Gateway Reference 00211*
- *4<sup>th</sup> November 2013 Strategic and operational planning in NHS Reference 00658*
- *18<sup>th</sup> December 2013 – Better Care Fund<sup>1</sup>*

**Between Guildford and Waverley Clinical Commissioning Group, East Surrey Clinical Commissioning Group and Surrey Downs Clinical Commissioning Group (CCG's) and Surrey County Council ( NW Surrey CCG, Surrey Health CCG and North East Hampshire CCG could join this agreement as part of a whole systems approach)**

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<sup>1</sup> [http://www.local.gov.uk/web/guest/health-wellbeing-and-adult-social-care/-/journal\\_content/56/10180/4096799/ARTICLE](http://www.local.gov.uk/web/guest/health-wellbeing-and-adult-social-care/-/journal_content/56/10180/4096799/ARTICLE)

This document records the agreement of a revenue grant from **Guildford and Waverley Clinical Commissioning Group, East Surrey Clinical Commissioning Group, Surrey Downs Clinical Commissioning Group and Surrey County Council, insert Gfd and Wav CCG and associate CCGs address here** using its powers under the Section 256 of the National Service Act 2006 to **Surrey County Council Insert address here**

## 1.0 Background and Principles

1.1 The purpose of this Memorandum of Understanding is to provide a local framework of the transfer of NHS carers funds for additional investment into the social care integration fund for the benefit of carers health and improve overall health gain, in line with government policy.

1.2 The NHS Operating Framework for 2012/3 describes a commitment for Primary Care Trust clusters to work in partnership with local authorities (and voluntary groups) to support Carers this commitment is extended to Clinical Commissioning Groups and that any transfer of funds from the NHS to local authorities is to be achieved through a section 256 agreement; This is reflected in the DH Formal Guidance for 'Better Care' December 2013.

1.3 The transfer of funding will be consistent with the objectives of the Guildford and Waverley, East Surrey and Surrey Downs CCG's Commissioning Plans, ensuring that a more efficient use of the funds will be achieved than would be the case if the funds were used for solely NHS purposes, which is in line with the criteria set within the NHS Act 2006.

## 2.0 Use of Transfer Funding

<b>Scheme</b>	<b>Guildford &amp; Waverley CCG</b>	<b>East Surrey CCG</b>	<b>Surrey Downs CCG</b>
<b>GP Carers Breaks</b>	£231,517	£192,244	£317,642
<b>Crossroads Care Surrey - Home Based Flexible Care</b>	£27,782.04	£23,069.28	£38,117.04

<b>Generic Service</b>			
<b>Crossroads Care Surrey - Home Based Flexible Care</b>	£53,427.00	£44,364.00	£73,302.00
<b>Reduce waiting lists</b>			
<b>End of Life Carers Support</b>	£53,427.00	£44,364.00	£73,302.00
<b>Carers Support</b>	£36,555.29	£30,354.29	£50,153.96
<b>Total</b>	£402,708.33	£334,395.57	£552,517.00

### **3.0 Governance, Monitoring and Reporting**

3.1 Responsibilities for this Memorandum of Understanding is held by (insert CCG names and titles here) on behalf of Guildford and Waverley CCG, East Surrey CCG and Surrey Downs CCG and the Director of Adult Services, Surrey County Council and appointed nominees in both organisations to manage and monitor.

3.2 Monitoring arrangements against all service provision for Carers has been agreed through the Surrey Carers Commissioning Strategy Group. NHS representative will be invited to participate in all joint monitoring arrangements. The Partnership Manager (Carers) will represent the associates. (The Carers leads for NW CCG, Surrey Heath CCG and NE Hants CCG is agreeable and will represent their individual CCGs)

3.3 Quarterly reports will be prepared through the post of the Partnership Manager (Carers) on behalf of the associates.

3.4 Use of any underspend of the transfer funds will be agreed by partners through the Surrey Carers Commissioning Strategy group. This may include a return of underspend to Guildford and Waverley, East Surrey and Surrey Downs CCG's, retention of the underspend with the local authority for use on additional activity for the benefit of health or an alternative arrangement.

**4.0 Management of Disputes or Variation**

4.1 Disputes will be managed locally, by informal means whenever possible, but if unresolved, escalated to the Director of Adult Services and nominated CCG Carers Lead.

4.2 Agreed variations may be recorded through exchange of letters between the officer identified in 4.1.

**5.0 Payment Terms**

Guildford and Waverley, East Surrey and Surrey Downs CCG’s will transfer (upon receipt of invoice) one quarter of the transfer sum each quarter to Surrey County Council. (This can be extended to include NW, SH and NE Hants CCG)

**6.0 Authorisation**

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

Date \_\_\_\_\_

**FOR AND ON BEHALF OF SURREY COUNTY COUNCIL**

Signature \_\_\_\_\_

Name -----

Designation -----

Date -----

**FOR AND ON BEHALF OF GUILDFORD AND WAVERLEY CLINICAL COMMISSIONING GROUP**

**Signature** \_\_\_\_\_

**Name** -----

**Designation** -----

**Date** -----

**FOR AND ON BEHALF OF EAST SURREY CLINICAL COMMISSIONING GROUP**

**Signature** \_\_\_\_\_

**Name** -----

**Designation** -----

**Date** -----

**FOR AND ON BEHALF OF SURREY DOWNS CLINICAL COMMISSIONING GROUP**