

NHS/Local Authority Partnering Arrangements.

The Council has entered into an agreement with the local National Health Service to establish a ‘Joint Agency Group’ (JAG) as a Joint Committee within the meaning of regulation 10(2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000.

Both sides have agreed a scheme for the JAG – or in other words what it should do. The scheme is set out below.

Joint Agency Group

Scheme of Delegation

1. INTRODUCTION

1.1 The Joint Agency Group (“JAG”) is constituted as a Joint Committee of Barnsley Metropolitan Borough Council (“the Council”) and Barnsley Primary Care Trust (“the Trust”) within the meaning of Regulation 10(2) of the NHS Bodies and Local Authorities Partnership Regulations 2000 (Statutory Instrument No. 617 of 2000) (“the Regulations”) by agreement between the Council and the Trust.

1.2 By virtue of the provisions of that Regulation the prime function of the JAG is:

“To take responsibility for the management of partnership arrangements including monitoring the arrangements and receiving reports and information on the operation of the arrangements.”

1.3 The prime function of JAG referred to in paragraph 2 above is to be exercised:

1.3.1 in accordance with the following provisions of this document which define and restrict its scope;

1.3.2 subject to any directions that may be given from time to time by:

1.3.2a the agreement of the Council and the Trust;

- 1.3.2b the Council, in relation to health-related local authority functions (as defined in the Regulations); the health-related local authority functions are set out in the Schedule to this Scheme of Delegation; and
- 1.3.2c the Trust, in relation to NHS functions (as defined in the Regulations); the NHS functions are also set out in the Schedule to this Scheme of Delegation.

1.4 The Client Boards and their areas of responsibility are:

Client Board	Area of Responsibility
The Mental Health Board	Adult Mental Health Services
The Physical and Sensory Disabilities Board	Services for adults who are Physically or Sensorily Disabled
The Older Persons' Board	Services for Older Persons
The Learning Disability Board	Services for adults suffering from a Learning Disability
The Children's Board	Children's Services (including physical, sensory or learning disability and the Child and Adolescent Mental Health Service)
The Drugs, Alcohol and Tobacco Board	Drug, Alcohol and Tobacco Services (including the activities of Drug Action Team and the DAT Joint Commissioning Group)

Each Client Board is constituted as a Joint Committee of the Council and the Trust within the meaning of Regulation 10(2) of the Regulations by agreement between the Council and the Trust. However, the Client Boards are subordinate to the JAG.

1.5 By virtue of the provisions of Regulation 10(2) the prime function of each Client Board is:

“To take responsibility for the management of partnership arrangements including monitoring the arrangements and receiving reports and information on the operation of the arrangements”

within its area of responsibility. The partnership arrangements referred to include the commissioning of services.

1.6 The prime function of each Client Board referred to in paragraph 1.5 above is to be exercised within its area of responsibility and:

1.6.1 in accordance with the following provisions of this document which define and restrict its scope;

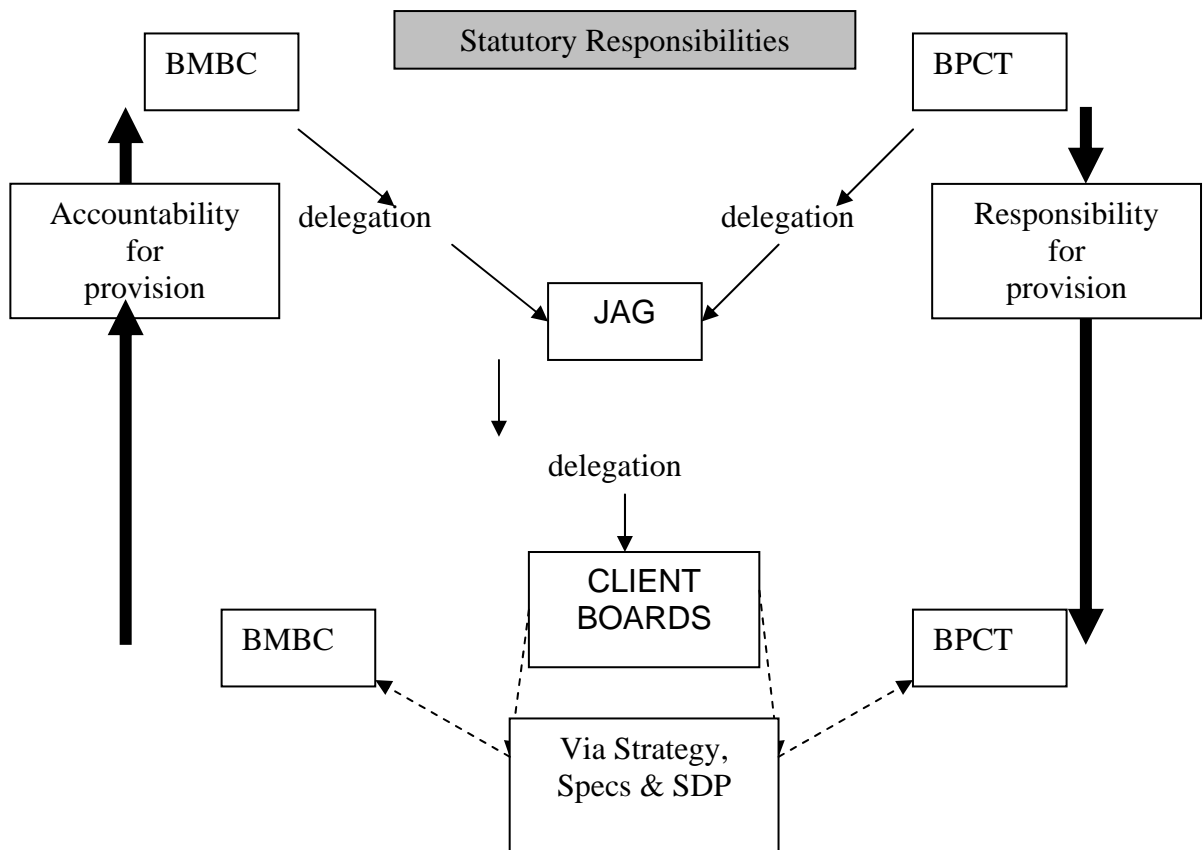
1.6.2 subject to any directions that may be given from time to time by:

1.6.2a the Joint Agency Group;

1.6.2b the Council, in relation to health-related local authority functions (as defined in the Regulations);

1.6.2c the Trust, in relation to NHS functions (as defined in the Regulations); and

- 1.6.3 subject to the preceding parts of this paragraph, the framework set out in “Partnership in Action in Barnsley” (dated April 2000) or any amendment or replacement thereof.
- 1.7 In paragraphs 1.2 and 1.5 above the expression “partnership arrangements” means the health-related local authority functions referred to in Regulation 6(a) and (b) of the Regulations (which relates to the functions of the Council as a local social services authority) and the NHS functions referred to in Regulation 5 of the Regulations in relation to the area of responsibility of each Client Board set out in paragraph 1.4 above exercised through the use of Lead Commissioning, Integrated Provision (except in the case of the Drugs, Alcohol and Tobacco Board) and Pooled Funds as described in "Guidance on the Health Act Section 31 Partnership Arrangements" (Department of Health: undated) and through the activities of the Client Boards. The expression also includes the participation of clients, carers, service providers and staff in the planning and development of services, known as the Barnsley participation Process.
- 1.8 In the performance of its functions each Client Board is supported by a Lead Planning and Commissioning Officer appointed by the Council or the Trust (or jointly) for that purpose.



2. JOINT AGENCY GROUP

2.1 Organisation

- 2.1.1 To make recommendations to the Council and the Trust as to any amendment to its functions with a view to the more efficient operation of the partnership arrangements.
- 2.1.2 With the approval of the Council and the Trust to adopt Standing Orders for the conduct of its business. To establish Standing Orders to be followed by each Board in the conduct of its business and to perform such functions as may be allocated or reserved to it in the Standing Orders.
- 2.1.3 To make recommendations to the Council and the Trust for the establishment of any new Client Board, Partnership arrangement and/or pooled fund and the disestablishment of any existing Board together with such consequential arrangements as may be required to give effect to such recommendations.
- 2.1.4 Within the partnership arrangements, to determine the business and functions of each Board and to vary the business and functions as may be necessary from time to time with a view to the efficient operation of the partnership arrangements.
- 2.1.5 To direct any Client Board in the discharge of its functions where in the opinion of the JAG that Board has failed to do so efficiently, effectively and economically.
- 2.1.6 To receive direct reports from Health and Social Affairs Scrutiny Commission on those matters within JAG's remit delegated to it from either the BMBC or the PCT

2.2. Service and Financial Planning

- 2.2.1 To develop and manage a system of Service and Financial Planning in respect of the partnership arrangements that is integrated with the Council's Service and Financial Planning process and the Trust's Service and Financial Framework/Health Improvement Programme ("SaFF/HimP") process. The System of Service and Financial Planning shall be written down from time to time and lodged with the records of the JAG.

- 2.2.2 At the time in each financial year appropriate to the Council's and the Trust's planning processes, to make a submission jointly to the Council and the Trust as to the total sums required, in its opinion, to be contributed by them in the next financial year for the purposes of:
- 2.2.2.1 the pooled funds;
 - 2.2.2.2. the partnership arrangements (if any) falling outside the scope of the pooled funds.
- 2.2.3 On notification by the Council and the Trust as to the amount of the contribution of each to the total sums referred to at paragraph 2 above, to determine the allocation to be made to each pooled fund and the allocation (if any) to be made to each Board outside the scope of the pooled fund, taking into account the submissions received from each Client Board
- 2.2.4 To approve the annual Service and Financial Plan of each Client Board within the pooled fund allocation and to approve any necessary amendment to the current Plan.
- 2.2.5 To monitor the performance of each Client Board and each pooled fund in relation the Board's current Service and Financial Plan and where necessary to instruct the Board to take such steps as it is able to take to ensure implementation of the Plan.
- 2.2.6 To require any Client Board to present proposals for the integration of any sum allocated to it outside the pooled fund within that fund and to approve or amend such proposals.
- 2.2.7 To develop and manage a system of Financial Risk Management in respect of the partnership arrangements with particular reference to the risk of overspending in respect of any pooled fund and any other sum allocated to a Client Board and to the cost effective management of external placements. The Financial Risk Management system shall satisfactorily express the primary obligation of the JAG and each Client Board to manage the partnership arrangements within the total sums referred to at paragraph 3 above. The Financial Risk Management system shall be written down from time to time and lodged with the records of the JAG
- [In this paragraph "external placements" includes any placement of a service client in continuing care, any placement of a service client outside Barnsley Metropolitan Borough and any placement sanctioned by the Resource Allocation Panel in relation to adult mental health services].
- 2.2.8 To approve a proposal by a Client Board for the virement of expenditure within the pooled fund or within any sum allocated to it outside the pooled fund.

- 2.2.7 To determine the application of any savings made within any pooled fund or other sum allocated for the partnership arrangements.
- 2.2.8 To make such submissions as may be necessary jointly to the Council and the Trust as to requirement, in its opinion, of any further sum or sums to be contributed by the Council and the Trust to support the partnership arrangements and to allocate any sum or sums so contributed within the partnership arrangements strictly in accordance with the submission made.

2.3. Performance Management

- 2.3.1 To develop and manage a system of performance management for the partnership arrangements and for each Client Board including the setting of such targets, indicators and measures as may be appropriate and to monitor compliance with the system.
- 2.3.2 To integrate that system, where appropriate, with the systems of the Council and the Trust.

2.4 Corporate Governance

- 2.4.1 To recommend to the Council and the trust a Corporate Governance Plan for the partnership arrangements and to recommend any amendment to the Plan.
- 2.4.2. To secure the effective operation of the approved Plan by the making of recommendations to the Council and the Trust and such other persons as may be necessary and to report to the Council and the Trust any occasions of non-observance of the Plan

2.5 Information Sharing and Management and Equality

- 2.5.1 To recommend to the Council and the Trust protocols as may be necessary for information sharing and management and Equality for the benefit of the partnership arrangements and to recommend any amendment to such protocols.
- 2.5.2 To secure the effective operation of the approved protocols by the making of recommendations to the Council and the Trust and such other persons as may be necessary and to report to the Council and the Trust any occasions of non-observance of the protocols.

2.6 Lead Commissioning and Integrated Provision

- 2.6.1 To recommend to the Council and the Trust the Lead Commissioner(s) and the extent of the lead commissioning function(s) and any change in the lead commissioning arrangements with a view to the more efficient operation of the partnership arrangements.

- 2.6.2 To recommend to the Council and the Trust the Integrated Providers for the partnership arrangements (or any of those arrangements) and the extent of the integrated provision and any change in the integrated provision arrangements with a view to the more efficient operation of the partnership arrangements.
- 2.6.3 To agree the Providers (excluding Integrated Providers and excluding providers who are sub-contractors) for the partnership arrangements and the extent of their provision and any change in those arrangements with a view to the more efficient operation of the partnership arrangements.
- 2.6.4 To perform such functions as may be given to it in any Lead Commissioning, Integrated Provider or Provider Agreement.

[The Agreements provide for the JAG to exercise certain functions in relation to dispute resolution and in relation to the application of the Service and Financial Planning, Financial Risk Management and External Placement provisions of those Agreements.]

2.7 The Barnsley Participation Process

- 2.7.1 To agree the Specification for the Barnsley Participation Process and any amendment to that Specification.
 - 2.7.2 To agree the Providers for the participation process and the extent of their provision and any change in those arrangements with a view to the more efficient operation of the partnership arrangements.
 - 2.7.3 To monitor the performance of the Barnsley Participation Process and, in accordance with the Provider Agreement, the performance of the Providers.
 - 2.7.4 To recommend to the Council (as employer) the taking of such action within the powers of the Council under the Provider Agreements for the Participation Process as it considers desirable arising out of paragraph 3 above.
- 2.8 Papers relating to the financial risk management protocol, the information sharing protocol, the equality protocol, the performance management system, the corporate governance action plan, standing orders and any other papers deemed to be appropriate shall be written down from time to time and lodged with the records of the JAG.

3. CLIENT BOARDS

3.1 Organisation

- 3.1.1 To conduct its business in accordance with Standing Orders established from time to time by the JAG.
- 3.1.2 Within its area of responsibility to make recommendations to JAG for the establishment of and operational scope of any new or amended partnership arrangement and/or pooled fund and the disestablishment of any existing partnership arrangement and/or pooled fund together with such consequential arrangements as may be required to give effect to such recommendations.
- 3.1.3 To submit a report of each of its meetings to the JAG.
- 3.1.4 To attend the Health and Social Affairs Commission twice per year.
- 3.1.5 To appoint members and attendees to the Client Board as appropriate and inform JAG through the mechanism stated at 3.1.3.
- 3.1.6 To facilitate attendance of Health and Social Affairs Commission Members at Client Boards at the discretion of the Health and Social Affairs Commission
- 3.1.7 To make recommendations to the JAG as to any amendment to its functions (and/or the functions of any other Client Board with the agreement of that Client Board) with a view to the more efficient operation of the partnership arrangements

3.2 Service and Financial Planning

- 3.2.1 To comply with the system of Service and Financial Planning that is determined from time to time by the JAG in respect of the partnership arrangements.
- 3.2.2 To require the Lead Planning and Commissioning Officer to submit to it from time to time such service and financial information as may be necessary to enable it to perform its function under paragraph 1 above.
- 3.2.3 Within the system of Service and Financial Planning to give consideration to and make recommendations to the JAG designed to achieve:
 - 3.2.3a National Targets and Standards;
 - 3.2.3b National Service Frameworks;

- 3.2.3c The NHS Plan;
 - 3.2.3d Core National Strategies;
 - 3.2.3e Any other relevant national standards or policies;
- within its area of responsibility.
- 3.2.4 At a time in each financial year determined by the JAG to make a submission to the JAG in such form as may be required setting out the Client Board's proposed service plan (including service developments) for the next financial year and setting out its estimate of the cost of that plan and the sums required for the purposes of:
- 3.2.4a the pooled fund;
 - 3.2.4b the partnership arrangements (if any) falling outside the scope of the pooled fund.
- 3.2.5 In making the submission referred to in paragraph 4 above, the Client Board shall give due consideration to the following which shall be identified in the submission:
- 3.2.5a the re-prioritisation of existing resources to invest in service development;
 - 3.2.5b the reconfiguration or reengineering of services to release resources for other service development;
 - 3.2.5c the release of resources no longer required;
 - 3.2.5d after making such provision, the investment in the Client Board's opinion required to develop the service in accordance with the submission.
- 3.2.6 To implement its annual Service and Financial Plan as approved by the JAG within the sums allocated in accordance with the Plan and where necessary (and within any discretion allowed in the Plan) to prioritise service goals in accordance with the available resources.
- 3.2.7 To make recommendations to the JAG as to any necessary amendment to the current Service and Financial Plan and to implement any such amendment that is approved by the JAG.
- 3.2.8 To present proposals to the JAG for the integration of any sum allocated to it outside the pooled fund within that fund.

- 3.2.9 To comply with the Financial Risk Management Protocol that is determined from time to time by the JAG in respect of the partnership arrangements and in particular to:
- 3.2.9a monitor the review by the Council and the Trust of eligibility criteria for services and the application of the criteria by Provider(s);
- 3.2.9b establish and monitor a system of regular case review, in conjunction with the Lead Commissioner and the Provider(s), designed to ensure that:
- current and proposed cases are properly allocated to the pooled fund and partnership arrangements within the Client Board's area of responsibility and, if not, that the transfer of cases to the responsibility of the appropriate Client Board is undertaken;
 - packages of care currently in place or proposed are appropriate to the needs of service users and are cost effective;
 - the anticipated duration of packages of care is determined.
- 3.2.9c seek to meet new demand for external placements from existing resources (including through greater efficiency);
- [In this paragraph "external placements" includes any placement of a service client in continuing care, any placement of a service client outside Barnsley Metropolitan Borough and any placement sanctioned by the Resource Allocation Panel in relation to adult mental health services].
- 3.2.9d plan to meet increases in demand for services through the review and re-provision of services (consistent with service users' best interests) and the identification of budget savings;
- 3.2.9e in conjunction with the Lead Commissioner and Provider(s) to agree the implementation of any measures arising from paragraphs 3.2.9c and 3.2.9d;
- 3.2.9f to report to the Council and the Trust (or to the JAG as may be required) on the need for additional resources to meet new or increased demand where that demand cannot be met through the measures at paragraphs 3.2.9c and 3.2.9d;

- 3.2.10 To make proposals to the JAG for the virement of expenditure within the pooled fund or within any sum allocated to the Client Board outside the pooled fund.
- 3.2.11 In conjunction with the Lead Commissioner and Provider(s) to identify and secure any external funding that may be available to support services within the partnership arrangements and the Client Board's area of responsibility.
- 3.2.12 To present to the JAG such financial reports in relation to the pooled fund and any sum allocated to the Client Board outside the pooled fund at such times and in such format as may be required.

3.3 Performance Management

- 3.3.1 To comply with the system of performance management that is determined from time to time by the JAG for the partnership arrangements.
- 3.3.2 In conjunction with the Lead Commissioner and the Provider(s) to monitor such performance targets, indicators and measures as are prescribed in the performance management system in relation to the Client Board's area of responsibility and to present to the JAG such reports thereon at such times and in such format as may be required.
- 3.3.3 To develop or amend the performance management system in relation to the Client Board's area of responsibility.

3.4 Corporate Governance

- 3.4.1 To comply with the Corporate Governance Plan for the partnership arrangements in so far as it applies to the activity of the Client Board.
- 3.4.2 In conjunction with the Lead Commissioner and the Provider(s) to monitor and to report to the JAG upon the operation of the Corporate Governance Plan in relation to the pooled fund and the partnership arrangements within the Client Board's area of responsibility.

3.5 Information Sharing and Management

- 3.5.1 To comply with the information sharing and equality protocols relating to information sharing and management and equality in so far as they apply to the activity of the Client Board.
- 3.5.2 In conjunction with the Lead Commissioner and the Provider(s) to monitor and to report to the JAG upon the operation of the protocols and to make any recommendations to the JAG that the Client Board considers fit in relation to the operation of those protocols within its area of responsibility.

3.6 Lead Commissioning and Integrated Provision

- 3.6.1 To make recommendations to the JAG as to the extent of the integrated provider arrangements and any change in those arrangements within the Client Board's area of responsibility and with a view to the more efficient operation of the partnership arrangements.
- 3.6.2 To make recommendations to the JAG as to the Providers (excluding Integrated Providers and excluding providers who are sub-contractors) for the partnership arrangements within the Client Board's area of responsibility and the extent of their provision and any change in those arrangements with a view to the more efficient operation of the partnership arrangements.
- 3.6.3 To perform such functions as may be given to it in any Integrated Provider or Provider Agreement.

[The Agreements provide for the Client Board to exercise certain functions in relation to dispute resolution, in relation to the application of the Service and Financial Planning, Financial Risk Management and External Placement provisions of those Agreements and in relation to financial and performance monitoring.]

- 3.6.4 To approve the Service Specification(s) for those services within the Client Board's area of responsibility and to approve any development or amendment of those Specifications.
- 3.6.5 To approve a Provider's Service Delivery Plan or other service proposal as conforming to the Service Specification.
- 3.6.6 To recommend to the Council (as Contract Administrator) the taking of such action within the powers of the Council under the Provider Agreement(s) for those services within the Client Board's area of responsibility as it considers desirable.