

Item No. 8.	Classification: Open	Date: 11 December 2012	Meeting Name: Cabinet
Report title:		Response to Health and Adult Social Care Scrutiny Sub-Committee report on the NHS Southwark Clinical Commissioning Group (CCG)	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Catherine McDonald, Health and Adult Social Care	

FOREWORD – COUNCILLOR CATHERINE MCDONALD, CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE

The changes set out in the Health and Social Care Act 2012 will become law in April 2013. The coming period is therefore critical in establishing the new organisations and ways of working in both the health service and the Council to improve the health and wellbeing of the borough, and to tackle health inequalities.

The important work of the scrutiny health sub-committee in reviewing the NHS Southwark Clinical Commissioning Committee (CCG) and providing recommendations is therefore both valuable and timely.

In the coming period the NHS Southwark CCG will be authorised, and become a statutory body. The work of the health and adult social care scrutiny sub-committee has been constructive in setting the foundations for this work, and in helping to establish a framework for the future working relationship between the Council and the CCG in Southwark.

The scrutiny health sub-committee makes a number of recommendations that are not within the scope of the local authority's powers to implement. This report therefore focuses on those recommendations that are the responsibility of the Council.

RECOMMENDATIONS

Recommendations for the Cabinet

That the Cabinet:

1. Notes the report of the Health and Adult Social Care Scrutiny Sub-Committee (Appendix A) and the response by the NHS Southwark CCG (Appendix B).
2. Agrees to implement the local authority elements of the scrutiny sub-committee recommendations 3, 4, 10 and 11 as set out in the Health and Adult Social Care Scrutiny report.

Recommendation for the Leader of the Council

That the Leader:

3. Agrees that, as part of work to formally establish the Health and Wellbeing Board as a committee of Southwark Council, to implement recommendation 12 of the Health and Adult Social Care Scrutiny report.

BACKGROUND INFORMATION

Health and Social Care Act 2012

4. Following the passage of the Health and Social Care Act 2012 significant changes are taking place in existing health structures. These changes include the transfer of public health accountabilities from the NHS to local authorities, the establishment of local Health and Wellbeing Boards, the abolition of Primary Care Trusts (PCTs) by April 2013 and, in the place of PCTs, the establishment of GP-led Clinical Commissioning Groups (CCGs), and the creation of patient champion groups HealthWatch in place of existing Local Involvement Networks (LINKs).
5. The Health and Adult Social Care Scrutiny Sub-Committee recommendations focus on the provisions for the establishment of GP-led Clinical Commissioning Groups (CCGs), which from April 2013 will be responsible for the commissioning of the majority of local NHS services.

NHS Southwark Clinical Commissioning Group (CCG)

6. Southwark GPs have been at the forefront of work to bring the local knowledge and understanding of GP Practices into the commissioning sphere. This was demonstrated with the granting of clinical commissioning pathfinder status to Southwark GPs in January 2011, and latterly with the application for the clinical leadership in Southwark to be authorised as a NHS Clinical Commissioning Group in March 2012.
7. Every GP practice in Southwark is a member of the NHS Southwark CCG, and the new organisation will have a constitution, a council of members and a governing body.
8. The Council has worked closely with Southwark GPs as they have worked to take on new responsibilities, and members of the CCG have been active members in work to both plan and establish the Southwark shadow Health and Wellbeing Board.
9. The Health and Adult Social Care Scrutiny Sub-Committee (CCG) has been considering the role and governance of the emerging NHS Southwark CCG since June 2012. In this work the committee has received evidence from Dr Amr Zeineldine, the chair of Southwark Health Commissioning (the consortia of GPs seeking to be authorised as a CCG), and Andrew Bland, the Chief Officer (Designate) of the future CCG.

Health and Adult Social Care Scrutiny Recommendations

10. The scrutiny health sub-committee's work focused on the:
 - transition from the PCT to the GP-led consortia
 - impact of cost savings on patient care
 - conflicts of interest
 - contract management
11. The transformation taking place in the health system, with the enactment of the Health and Social Care Act 2012, includes a significant new role for primary and secondary care clinicians, with an increased role in the commissioning of health services. It is crucial, as these changes take place, that the new organisations that are established in the NHS, including the local CCG, have patient care at the heart of their work, and have the appropriate governance and safeguards in place to ensure the best possible health outcomes for Southwark residents.
12. The Health and Adult Social Care Scrutiny received evidence from the emerging CCG about a number of areas of their proposed governance, including how to ensure that there are robust safeguards in place to prevent conflicts of interest and how to ensure new contracted arrangements are robust and deliver excellent patient care. The recommendations set out by the committee, which the CCG has responded to, are a key contribution in ensuring that the CCG has these safeguards in place to prevent conflicts of interest, and to ensure that commissioning decisions are focused on patient outcomes and quality of care.
13. The changes taking place in the health system at this time are unprecedented. In Southwark, the proposal to develop a single academic healthcare organisation covering the foundation trusts of Guys and St Thomas's, Kings's College Hospital and the South London and Maudsley has the potential to transform the way that healthcare is provided locally. The local health system is also currently responding to the recommendations by the Trust Special Administrator (TSA) into the South London Healthcare Trust. The work of the Health and Adult Social Care Scrutiny Committee, within a changing health landscape, is therefore both valuable and timely.
14. The Health and Adult Social Care Scrutiny Committee report set out 22 recommendations for the CCG, local health partners, the Council and Health and Wellbeing Board. These recommendations seek to strengthen the arrangements for close working between the CCG and local partners, including the Council, through the transition period and beyond, and to ensure strong governance arrangements for the CCG are established through the transition period.

KEY ISSUES FOR CONSIDERATION

15. The Health and Adult Social Care Scrutiny Committee report sets out a number of recommendations of which a number have elements which are the responsibility of the Council to implement. There is, in addition, one recommendation which it is the responsibility of the Health and Wellbeing Board to take forward.

16. The recommendations for the Council and Health and Wellbeing Board are set out below. The Council's response to the recommendations are also set out below:

Number	Recommendation	Accountability	Response
3	That the SCCC's [Southwark Clinical Commissioning Committee] tendering process for any service includes standard clauses in the contract to ensure collaborative working and demonstrate that integration will continue to take place. It is further recommended that the SCCC develops such clauses with KHP and the local authority.	Elements for local authority	The Council accepts the elements of this recommendation for which it has responsibility.
4	That all publically funded commissioners of healthcare including the CCG and local authority consider the wider effect of commissioning outside the NHS on the long-term viability of public providers.	Elements for local authority	The Council accepts the elements of this recommendation for which it has responsibility, including in relation to future public health commissioning and contracting.

Number	Recommendation	Accountability	Response
10	That SCCC and its Business Support Unit (BSU) (whoever that may be in the future) work closely with the local authority to integrate their work as closely as possible across public health, adult social care and the council's other services (in particular housing).	Elements for local authority	<p>The Council accepts the elements of this recommendation for which it has responsibility.</p> <p>Both the Council and CCG are committed to integrated working where this is in the interests of patients or service users. The Health and Wellbeing Board has a statutory duty to “encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.” This work will be taken forwards as part of work by both the Council and CCG in the context of the Health and Wellbeing work programme.</p>
11	That SCCC works closely with Southwark Council, NHS London and other Clinical Consortia to learn lessons from past experiences and develop a strong contract management function as part of their organisational capabilities. The details of this arrangement should be for the SCCC to decide, but contract management must not be an afterthought in any potential tendering process but at the centre.	Elements for local authority	<p>The Council accepts the elements of this recommendation for which it has responsibility.</p>

Number	Recommendation	Accountability	Response
12	That the Health and Wellbeing Board has as a central aim of stimulating integration and collaboration between local health care providers to improve patient outcomes.	Health and Wellbeing Board	<p>The Council accepts this recommendation.</p> <p>The Health and Adult Social Care Scrutiny Committee recommended that the Health and Wellbeing Board should have “a central aim of stimulating integration and collaboration between local health care providers to improve patient outcomes.” Development work with the shadow Health and Wellbeing Board is currently underway to establish the Health and Wellbeing Board as a statutory committee of the Council.</p> <p>This recommendation will be considered as a key part of this work moving forward. A report on establishing the Health and Wellbeing Board as a statutory committee of the Council and Southwark’s Health Wellbeing strategy will be brought to the Cabinet in February 2013.</p>

17. The majority of the Health and Adult Social Care Scrutiny Committee’s remaining recommendations set out areas which it is the responsibility of the NHS Southwark CCG to take forward. The response of the NHS Southwark CCG to the recommendations are set out in Appendix B. This response includes details of the CCG’s progress in implementing the recommendations.
18. NHS Southwark CCG is now in the final stages of the authorisation process. The policies and organisational processes for the CCG into which the Health and Adult Social Care Scrutiny Committee recommendations have been incorporated and are in the process of final authorisation by the NHS Commissioning Board.

Community impact statement

19. The health and wellbeing of the local population is at the core of the work of the shadow Health and Wellbeing Board and the NHS Southwark Clinical Commissioning Group. The Council, NHS and other partners will work, through the Health and Wellbeing Board to tackle health inequalities in the borough.
20. The involvement of communities is a key part of the work of all parts of the health system, including through health and wellbeing boards of which the Director of Public Health is a member.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

21. The Cabinet is being asked to note the report of the Health, Adult Social Care, Communities and Citizenship Scrutiny Sub-Committee regarding the role and governance of NHS Southwark CCG. The Cabinet is also being asked to note the response by the NHS Southwark CCG.
22. The Leader is being asked to agree that, through the work to formally establish the Health and Wellbeing Board, the Council will work in partnership with NHS Southwark CCG to take forward the work associated with the scrutiny sub-committee's report.
23. The Health and Social Care Act 2012 includes the provision for the establishment of statutory clinical commissioning groups (CCGs) which will, from April 2013, commission the majority of local NHS services. The emerging NHS Southwark CCG, which is currently in a process to be authorised, will be a membership organisation of all forty-seven GP Practices in Southwark. The organisation will also have a council of members, and a governing body composed of clinicians elected by the constituent practices.
24. The report by the Health, Adult Social Care, Communities and Citizenship Scrutiny Sub-Committee sets out a number of recommendations for the emerging CCG, which include recommendations relating to conflict of interest. The NHS Southwark CCG has responded to these recommendations.

Strategic Director of Finance and Corporate Services

25. There are no financial implications directly associated with the recommendations set out in this cabinet report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix A	Southwark Clinical Commissioning Consortia - Report from the Southwark Health and Adult Social Care Scrutiny Sub-Committee
Appendix B	NHS Southwark CCG response to the Health and Adult Social Care Scrutiny Committee's Recommendations on CCG Governance

AUDIT TRAIL

Cabinet Member	Councillor Catherine McDonald, Health and Adult Social Care	
Lead Officer	Graeme Gordon, Director of Corporate Strategy	
Report Author	James Postgate, Principal Strategy Officer	
Version	Final	
Dated	27 November 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	27 November 2012	