

Integrated Care Board

Date of meeting	29 March 2023
Title of paper	North West Specialised Commissioning Joint Working Agreement 2023 - 2024
Presented by	Professor Craig Harris, Chief of Health and Care Integration
Authors	Debra Atkinson Director of Corporate Governance Helen Curtis Programme Director Sarah Mattocks Head of Corporate
Agenda item	15
Confidential	No

Purpose of the paper
<p>This paper is to update the Board on the progress made to ensure the ICB is ready to operate under joint working arrangements for specialised commissioning from April 2023. The paper includes a joint working agreement in order to establish these arrangements, which the Board are asked to approve.</p> <p>The paper also updates the Board on the progress made to ensure the ICB is ready for full delegation from 1 April 2024.</p>
Executive summary
<p>NHS England (NHSE) wrote to Integrated Care Boards (ICBs) in July 2021 to confirm the intention to delegate some of its direct commissioning functions to ICBs in line with the Health and Care Act 2022. It is considered this delegation to be a key enabler to integrate care and improve population health.</p> <p>All ICBs were required to complete a Pre Delegation Assessment Framework (PDAF) to outline readiness to operate with full delegation of specialised services. The National Moderation Panel approved the PDAFs for all regions and as only two systems had declared themselves to be ready for delegation from April 2023, a decision was taken nationally that all systems would work on a Joint Working basis from April 2023, with full delegation from 1 April 2024. The ICB must prepare itself to meet both of these requirements.</p> <p>The arrangements in 2023/24 are a transition to delegating full commissioning responsibility for suitable services, first set out in in the Roadmap for Integrating Specialised Services, including budgets and financial liability, to multi-ICB collaborations from April 2024. This will be subject to further NHSE Board consideration and decision.</p> <p>Throughout 2023/24, the funding, accountability and financial liability will remain fully with NHSE. Commissioning responsibility for all other specialised services will</p>

be retained by NHS England - for some services, this will be on a permanent basis and for others this will be temporary and until the point that they are considered ready for delegation.

To support the transition year, from April 2023 a joint working model with NHSE will be legally underpinned by a Joint Working Agreement and statutory Joint Committee between NHSE and the three Integrated Care Boards (ICBs) in the North West for the 59 specialised services that are appropriate for more integrated commissioning. These are listed in Schedule 3 of the Joint Working Agreement.

This paper articulates the national requirement for ICBs to be signed up to a joint working agreement with NHS England. It will update the Board on the progress made to ensure the ICB is ready to operate under joint working arrangements from April 2023.

Recommendations

The Board is asked to:

- Note the contents of the report
- Approve entering into a Joint Working Agreement and progressing to work to establish statutory joint committee arrangements for the 2023/24 period
- Approval to delegate authority to the Chief Executive to sign the Joint Working Agreement on behalf of NHS Lancashire and South Cumbria to enable these commissioning arrangements to 'go live' from April 2023

Governance and reporting (list other forums that have discussed this paper)

Meeting	Date	Outcomes
Executive Management Group	20 March 2023	Supported

Conflicts of interest identified

Not Applicable

Implications

<i>If yes, please provide a brief risk description and reference number</i>	Yes	No	N/A	Comments
Quality impact assessment completed		√		
Equality impact assessment completed		√		
Privacy impact assessment completed		√		
Financial impact assessment completed		√		
Associated risks		√		
Are associated risks detailed on the ICB Risk Register?		√		

Report authorised by:

Professor Craig Harris, Chief of Health and Care Integration

Integrated Care Board – 29 March 2023

North West Specialised Commissioning Joint Working Agreement 2023-2024

1. Introduction

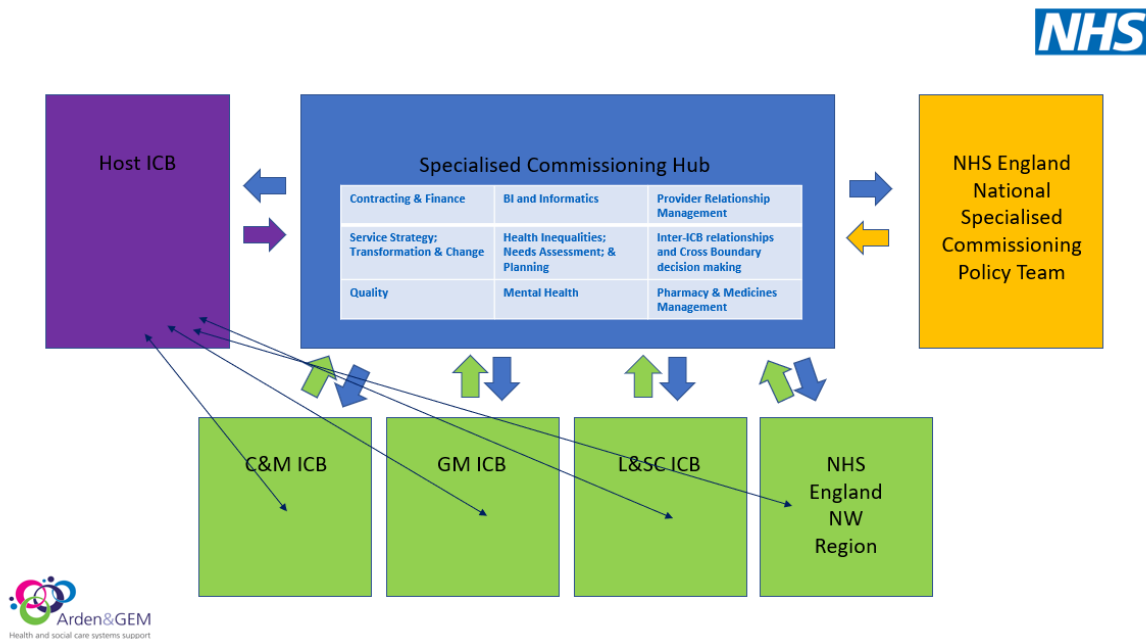
- 1.1 NHS England (NHSE) wrote to Integrated Care Boards (ICBs) in July 2021 to confirm the intention to delegate some of its direct commissioning functions to ICBs in line with the Health and Care Act 2022. It is considered this delegation to be a key enabler to integrate care and improve population health.
- 1.2 NHSE is the accountable commissioner for 154 prescribed specialised services. Not all specialised services are suitable for delegation at this point in time. To determine which services are appropriate for delegation, NHS England conducted an analysis of the entire portfolio has been conducted using a set of criteria to guide both the suitability and readiness of services for greater ICB leadership from April 2023. In the North West there are 59 specialised services that are appropriate for more integrated commissioning. These are listed in Schedule 3 of the Joint Working Agreement (Appendix A).
- 1.3 All ICBs were required to complete a Pre Delegation Assessment Framework (PDAF) to outline readiness to operate with full delegation. The National Moderation Panel approved the PDAFs for all regions. Only two systems (outside of the North West) had declared themselves to be ready for delegation from 1 April 2023. This was due to factors such as uncertainty over the future operating model and the new financial model for allocating resources to ICBs. Therefore, a decision was taken nationally that all systems would work on a Joint Working basis from April 2023, with full delegation from 1 April 2024.
- 1.4 The arrangements in 2023/24 are a transition to delegating full commissioning responsibility for suitable services, first set out in in the [Roadmap for Integrating Specialised Services](#), including budgets and financial liability, to multi-ICB collaborations from April 2024. This will be subject to further NHSE Board consideration and decision.
- 1.5 Throughout 2023/24, the funding, accountability and financial liability will remain fully with NHSE. Commissioning responsibility for all other specialised services will be retained by NHS England - for some services, this will be on a permanent basis and for others this will be temporary and until the point that they are considered ready for delegation.
- 1.6 To support the transition year, from April 2023 a joint working model with NHSE will be legally underpinned by a Joint Working Agreement and statutory Joint Committee between NHSE and the three Integrated Care Boards (ICBs) in the North West for the 59 specialised services that are appropriate for more integrated commissioning.
- 1.7 This paper sets out the national requirement for ICBs to be signed and ready to

operate under joint working arrangements with NHS England from April 2023. This paper also provides an update on the progress made to ensure the ICB is ready for full delegation from 1 April 2024.

2 Readiness to operate under Joint Working Arrangements from April 2023

- 2.1 The Joint Working Agreement for 2023/24 is included at Appendix A. This is a national model agreement for all ICBs to adopt. The agreement outlines the terms under which the ICB will work collaboratively with NHSE and its partner North West Regional ICBs (Cheshire and Merseyside and Greater Manchester), whilst NHSE retain the statutory accountability.
- 2.2 At the February NHSE Board Meeting, plans were approved to establish a joint working model for joint committees between NHSE and multi-ICB collaborations from April 2023, covering nine geographical footprints that will oversee and take commissioning decisions on the 59 specialised services within the portfolio. For NHSE North West region, this will be achieved through the establishment of a joint committee represented by the three North West ICBs.
- 2.3 The Joint Working Agreement has been developed to legally underpin the joint working model in 2023/24 for the North West joint committee between Cheshire and Merseyside, Greater Manchester, and Lancashire and South Cumbria ICBs and NHSE. These arrangements will be implemented using NHSE's powers under section 65Z5 of the NHS Act 2006.
- 2.4 The Board should note that the Joint Working Agreement contains model term of reference to establish the joint committee for the transitional year 2023/24 (at Schedule 2). These are a national template and are to be developed locally with non-executive and officer representation from each of the North West ICBs at a session to be arranged, and later agreed. Statutory terms of reference for a formal Joint Committee will then need to be agreed ahead of full delegation in 2024/25.
- 2.5 In addition, the ICB is establishing a LSC Specialised Commissioning Forum, which will be responsible for oversight and development of the specialised commissioning work programme for the ICB, and it is proposed that this will be chaired by Professor Craig Harris, Chief of Health and Care Integration.
- 2.6 It is considered that delegation will be a key enabler to integrate care and improve population health. In the first instance each ICB have been asked to identify at least three priorities to be delivered in 2023/24. The responsible ICB Executives have met and agreed the following priorities These have been agreed as follows with executives appointed to support these areas:
 - Neurorehabilitation Pathway
 - Paediatric medicine
 - Urology cancer
 - Mechanical thrombectomy
 - Scoping mental health
- 2.7 Nationally it has been determined that the operating model will require each

region to identify an ICB to host the Specialised Commissioning Team in its area. This is being considered in relation to the North West as to which ICB will host the 'Hub' team from 1 April 2024. The diagram below provides an outline of the operational structure.



3 Readiness to operate under full delegation from April 2024 – due diligence process

3.1 NHSE have published a Safe Delegation Checklist to support the transition. ICBs will be required to undertake appropriate due diligence as outlined within this checklist to make ready for transfer from April 2024. There are ten domains outlined in the Safe Delegation Checklist:

- Domain 1 – Transformation
- Domain 2 – Quality
- Domain 3 – Governance and Leadership
- Domain 4 – Finance (including 6 sub domains)
- Domain 5 – Workforce
- Domain 6 – Contracts
- Domain 7 – IT Assets and Records
- Domain 8 – Data and Analytics
- Domain 9 – Commissioning
- Domain 10 – Health and Care Geography

3.2 A programme plan has been established for the ICB against the due diligence required to implement joint working from April 2023. Leads have been assigned against all actions within this plan. This will then evolve into a programme plan for the due diligence to be completed prior to full delegation in April 2024.

3.3 A working group has been established with NHSE regional colleagues; this group meets on a two-weekly basis. Its primary aim is to oversee the programme plan and to escalate any anticipated delays or overdue actions. Progress updates will also be provided to the Board throughout the year via the Joint Committee.

4. Recommendations

The Board is asked to:

- Note the contents of the report
- Approve entering into a Joint Working Agreement and progressing to work to establish statutory joint committee arrangements for the 2023/24 period
- Approval to delegate authority to the Chief Executive to sign the Joint Working Agreement on behalf of NHS Lancashire and South Cumbria to enable these commissioning arrangements to 'go live' from April 2023