

North Yorkshire County Council

Health and Adult Services Executive

Date of Meeting Friday 14th February 2020

West Yorkshire and Harrogate Health and Care Partnership Revised Memorandum of Understanding

Report of the Corporate Director Health and Adult Services

1.0 Purpose of the report

- 1.1 The purpose of this report, is to present for information, a revised draft Memorandum of Understanding (MOU) regarding the arrangements for joint working, as part of the West Yorkshire and Harrogate Health and Care Partnership (WY&HP).

2.0 Background

- 2.1 This report sets out the findings of the first annual review of the Partnership Memorandum of Understanding (MoU).
- 2.2 Following extensive engagement, the Partnership MoU was signed off by all partners in December 2018. The MoU describes how partners organise themselves at West Yorkshire & Harrogate level to provide the best health and care, ensuring that decisions are always taken in the interest of the patients and populations we serve.
- 2.3 The MoU includes a requirement that it is reviewed within its first year of operation to ensure it remains consistent with the evolving requirements of the Partnership as an Integrated Care System. Following that, it will be subject to an annual review by the Partnership Board.
- 2.4 The MoU formalised many existing ways of working, such as the System Leadership Executive and the programme approach to delivery. It also established a number of new arrangements, including the Partnership Board, System Oversight and Assurance Group (SOAG), peer review and mutual accountability framework. Many of these arrangements are still in the process of 'bedding in' and the WY&H System Leadership Executive agreed at its meeting on 5th

November that the first review of the MoU take a 'light touch' approach and be followed by a more comprehensive review in Autumn 2020.

2.5 The review was been carried out by seeking comments on the MoU from a representative group of partners from across our places, sectors and programmes. Staff from the Partnership core team supplemented this with a 'desk top' review.

2.6 The review focused on:

- Learning to date from operationalising the MoU.
- Changes in Partnership arrangements which need to be reflected.
- The NHS Long Term Plan expectations for Integrated Care Systems as set out in the Plan itself, the Implementation framework and the ICS maturity matrix.

2.7 The next section presents the findings of the review against each of the main chapters of the MoU and includes comments by the Partnership Board at its meeting on 3rd December 2019.

3. Review Findings

3.1 *Introduction and context*

This section sets out the context for Partnership working and includes the following key paragraph:

“The Memorandum is not a legal contract. It is not intended to be legally binding and no legal obligations or legal rights shall arise between the Partners from this Memorandum. It is a formal understanding between all of the Partners who have each entered into this Memorandum intending to honour all their obligations under it. It is based on an ethos that the partnership is a servant of the people in West Yorkshire and Harrogate and of its member organisations. It does not replace or override the legal and regulatory frameworks that apply to our statutory NHS organisations and Councils. Instead it sits alongside and complements these frameworks, creating the foundations for closer and more formal collaboration.”

The context for why we work as a Partnership remains unchanged, as does our commitment to promote integration and collaboration.

Substantive amendments to the MoU

- *None.*

3.2 ***How we work together in WY&H***

This section outlines the Partnership's vision, values and leadership principles together with its objectives and approach to delivery improvement.

The Partnership's broad vision and values and its approach to leadership remain unchanged and continue to guide all of our arrangements. To support delivery improvement, the 'check and confirm' process has been established successfully and has sought to ensure rigour and delivery focus in all of our programmes.

The Partnership's ambitions for improving health outcomes have been reviewed as part of the development of our five year plan and we will have a refreshed set of objectives once the plan has been formally agreed.

The Partnership team carried out a gap analysis of the Partnership's arrangements against the expectations for ICSs as set out in the Long Term Plan, the Implementation framework and the ICS maturity matrix. The analysis showed that the Partnership's arrangements align well with the NHS Long Term Plan expectations, but that the MoU did not include a clear enough statement of the Partnership's approach to involving patients, service users and the public and the role of key governance groups in this. There is also a need to recognise Primary Care Networks in the MoU.

Discussion at the Partnership Board highlighted the need to recognise the role of the voluntary and community sector in the MoU.

Substantive amendments to the MoU

- *Arrangements for involving patients and the public added at paragraphs 3.4–3.8. New responsibility added to Terms of Reference of Partnership Board (3.1.iii) and System Leadership Executive (3.1.ii).*
- *Paragraphs 3.9-3.10 outline the role of the voluntary and community sector.*
- *Paragraph 3.12 reflects the revised priorities set out in the five year plan.*
- *References to the role of Primary Care Networks added at 2.9 and 4.32.*

3.3 ***Partnership Governance***

This section formalises the governance arrangements at place, programme, sector and Partnership level, including the role of groups such as the System Leadership Executive, Clinical Forum and sector

collaborative forums. It also established the Partnership Board and System Oversight and Assurance Group (SOAG) as new forums.

The Partnership Board had its first meeting in June 2019 and the SOAG in October 2018. Whilst these governance structures are the right ones to meet our Partnership's needs, at this relatively early stage there is still work to do to refine how they operate in practice. To inform a more comprehensive review of the operation of the MoU in Autumn 2020, it is proposed that each Partnership governance forum will undertake a self-assessment.

The Finance Forum was established in 2019 to replace the Directors of Finance group and strengthen the governance of financial matters. The MoU has been updated to reflect this. The WY&H Quality Surveillance Group (QSG) convened by NHS England has been established to bring together a range of partners from across the health and care system to share intelligence about risks to quality. NHS England and NHS Improvement came together to act as a single organisation in April 2019. The MoU has been updated to reflect these organisational and administrative changes.

Substantive amendments to the MoU

- *Summary of the role of the Quality Surveillance Group added at paragraph 4.27.*
- *Paras 4.28-4.31 added to reflect the establishment of the Finance Forum.*
- *Partnership governance schematic at Annex 2 updated to reflect revised structures.*

3.4 *Mutual accountability framework*

This section establishes a consistent approach for assurance and accountability between partners on WY&H system-wide matters.

The agreed approach has been operationalised by monitoring performance against key standards and plans in each place and across programmes. The arrangements for ensuring this include SOAG, Peer Review and the check and confirm process.

As with wider Partnership governance, these arrangements are still 'bedding' in and work is ongoing to ensure that they operate effectively in practice.

Substantive amendments to the MoU

- *None.*

3.5 **Decision making and resolving disagreements**

This section sets out the Partnership's overall approach to making decisions following the principle of subsidiarity. It also sets out the Partnership's dispute resolution process. The Partnership Board aims to make decisions by consensus. The Chair will seek to resolve the disagreement, but if a consensus decision cannot be reached, the matter will be referred to the dispute resolution process. Financial matters will be decided on a 75% majority vote.

Comments from some partners and questions from members of the public have highlighted a lack of clarity about the relationship between the Board, other Partnership forums and statutory organisations. Discussion at the September Partnership Board on transformation funding highlighted the lack of an agreed mechanism for taking urgent decisions in between meetings of the Board.

Substantive amendments to the MoU

- *Partnership Board Terms of Reference updated to make provision for the Board to delegate urgent decisions (5.4).*
- *Table appended to the MoU at Annex 3, which summarises the roles and responsibilities of each Partnership governance forum and sits alongside the Partnership governance schematic at Annex 2.*

3.6 **Financial Framework**

The establishment of the Finance Forum has strengthened financial management arrangements and is reflected in paras 4.28-4.31.

Substantive amendments to the MoU

- *None.*

4.0 **Financial Implications**

4.1 There are no financial implications for NYCC as a result of the proposed revisions to this MOU.

5.0 **Legal Implications**

5.1 There are no legally binding implications for NYCC as a result of the proposed revisions to this MOU.

5.2 The decision to be a signatory to this MOU is within the delegated powers of the Corporate Director of Health and Adult Services.

6.0 Human Resources Implications

6.1 There are no human resource implications for staff at North Yorkshire Council as a result of the proposed revisions to this MOU

7.0 Reasons for Recommendation

7.1 Integrating health and social care is a strategic objective of the Local Authority and this Memorandum of Understanding supports this delivery of this objective.

8.0 Recommendation(s)

8.1 Members are asked to note that the Corporate Director of Health and Adults Services has made the decision that North Yorkshire County Council will be a signatory of the revised Memorandum of Understanding for the Harrogate and West Yorkshire Health and Care Partnership.

Richard Webb
Corporate Director – *Health and Adult Services*
County Hall
Northallerton

14th February 2020

Author of report – Louise Wallace
Presenter of report –Richard Webb

Background Documents

West Yorkshire and Harrogate Health and Care Partnership Memorandum of Understanding

Report presented to Health and Adult Services on 21st September 2018 'West Yorkshire and Harrogate Health and Care Partnership Memorandum of Understanding.