

## **Checklist for using the Health Act Flexibilities**

This document sets out a suggested checklist for local authority and health staff using the flexibilities introduced in The Health Act 1999. The purpose of the flexibilities is to move attention away from structure and process to focus on how organisations can respond effectively to the needs of their customers and patients. The flexibilities remove some of the organisational boundaries between health and local authorities to promote a more joined-up response to service planning, commissioning and delivery.

The checklist has been developed in the context of increasing emphasis on using the flexibilities to produce more joined-up, holistic approaches to address the service needs of vulnerable people. Pooled budgets and the delegation of functions are expected to become standard practice for all health and local authorities in the planning, commissioning and delivery of intermediate care and community equipment services.

This is not intended to be a definitive framework of issues for using the flexibilities. Implicit in its development has been the acknowledgement of the considerable variation in the range and scale of partnerships – in terms of size, complexity, population coverage and objectives. Nor is this checklist meant to be prescriptive, it is intended as a prompt, to set out some baseline questions applicable to partnerships but subject to local circumstances and intended outcomes.

| <b>Area/Checklist</b>  | <b>Expected Outcome</b>  | <b>Reference and Further Information</b>  |
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| <p><b>Leadership</b></p> <ul style="list-style-type: none"> <li>• Does a strategic policy making body exist for the partnership?</li> <li>• Where appropriate, is there a separate body to oversee implementation of the partnership arrangements?</li> <li>• Are the right partners involved – for example should housing, education or leisure services be included?</li> </ul>  | <p>Strategic partnership body. This will depend on the size and complexity of the partnership arrangements</p> |   |
| <p><b>Planning</b></p> <ul style="list-style-type: none"> <li>• Does the proposed partnership arrangement link with Local Strategic Partnerships?</li> <li>• Do the arrangements fulfil the objectives identified in the Health Improvement Programme and Community Plan?</li> <li>• Do the arrangements meet the targets and milestones outlined for the service. For example in: <ul style="list-style-type: none"> <li>- the National Service Frameworks for mental health and older people?</li> </ul> </li> </ul> |  | <p>Intermediate Care HSC 2001/01: LAC (2001) 1</p> <p>Community Equipment Services<br/>HSC2001/008: LAC (2001) 13</p> <p>Both available on:</p> |

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| <ul style="list-style-type: none"> <li>- the Valuing People strategy for learning disability services?</li> <li>- the circulars on Intermediate Care and Community equipment Services?</li> </ul>   |   | <a href="http://www.doh.gov.uk/coinh.htm">http://www.doh.gov.uk/coinh.htm</a>  |
| <p><b>Aims and objectives</b></p> <ul style="list-style-type: none"> <li>• Is there a clear, measurable plan for delivering the partnership plan?</li> <li>• Does it include details of how using the flexibilities will improve services and which groups are likely to benefit?</li> <li>• Have all partners agreed the plan?</li> <li>• Has the level of co-terminosity between health and local authority populations been agreed?</li> <li>• Is the partnership clear who is responsible for delivering the plan?</li> </ul> | <p>A Joint written agreement including strategy, objectives and planned outcomes. This information forms part of the notification process.</p> <p>This forms part of the regulatory framework</p> | <p>DH guidance on Section 31 Health Act 1999. Available on:</p> <p><a href="http://www.doh.gov.uk/jointunit/guidance.htm">http://www.doh.gov.uk/jointunit/guidance.htm</a></p>   |
| <p><b>Engaging with partners and stakeholders</b></p> <ul style="list-style-type: none"> <li>• What will the impact of this partnership be on other client groups and services – are there any groups that might lose out?</li> <li>• What stakeholders need to be consulted about this partnership? Possibilities include users and carers, independent sector, voluntary groups, trade unions,</li> </ul>   | <p>Consultation with relevant groups and individuals. This might form part of partners existing approach to consultation and involvement.</p> <p>This forms part of the Regulatory</p>            | <p>Guidance on consultation available from the Cabinet Office website on:</p> <p><a href="http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm">http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm</a></p> |

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| <p>staff and professional groups.</p> <ul style="list-style-type: none"> <li>• How will the partnership meet the needs of under-represented or disadvantaged groups – for example minority ethnic communities?</li> <li>• Will there be resistance to this partnership. If so, what action will be taken to resolve issues?</li> </ul>   | <p>framework.</p>   |   |
| <p><b>Governance and accountability</b></p> <ul style="list-style-type: none"> <li>• What form of governance best meets the needs of the partnership?</li> <li>• Is there an existing partnership board that this could be part of?</li> <li>• How will users and other stakeholders be represented on the partnership?</li> <li>• How will the partnership account to the local authority and the NHS for its activity?</li> <li>• How will openness and transparency in governance be achieved?</li> <li>• Does the performance management process include clear milestones, outcomes and delivery dates?</li> <li>• When and how will reviews be carried out on partnership activities</li> <li>• Is the partnership clear what it will do if poor performance is reported?</li> <li>• What process will be set up to resolve disputes and</li> </ul> | <p>Forms part of the written agreement and operational protocols. Outcomes <i>might</i> include a partnership board or forum but decisions will depend on:</p> <ul style="list-style-type: none"> <li>• Size of the partnership and range of partners</li> <li>• Complexity of the resource invested</li> <li>• Whether an existing partnership board exists</li> </ul><br><ul style="list-style-type: none"> <li>• Which stakeholders need to be involved and how best to include</li> </ul> | <p>DH guidance on Section 31 Health Act 1999.<br/> <a href="http://www.doh.gov.uk/jointunit/guidance.htm">http://www.doh.gov.uk/jointunit/guidance.htm</a></p> <p>CIPFA guide "<i>Pooled budgets: A Practical Guide for Local and Health Authorities</i>". Further details can be obtained from:<br/> <a href="http://www.cipfa.org.uk/shop">http://www.cipfa.org.uk/shop</a></p> |

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| <p>complaints?</p> <ul style="list-style-type: none"> <li>• Will the proposal meet best value and clinical governance requirements?</li> <li>• Are partners clear on the length of the agreement and exit strategy for the partnership?</li> </ul>   | <p>them</p>   |   |
| <p><b>Information sharing</b></p> <ul style="list-style-type: none"> <li>• What information will need to be shared between partners to meet the objectives of the partnership?</li> <li>• Are technologies in place to support this?</li> <li>• Do these information flows meet the regulations on data protection and confidentiality and also reflect the principles of Caldicott for local councils with social service responsibilities and the NHS?</li> <li>• Is there an existing local information sharing group that can co-ordinate protocols and ensure they are appropriate? If not, should there be one?</li> </ul> | <p>An agreed information sharing protocol.</p>  | <p>DH guidance on Section 31 Health Act 1999. Details can be found on:<br/> <a href="http://www.doh.gov.uk/jointunit/info/htm">http://www.doh.gov.uk/jointunit/info/htm</a></p> |
| <p><b>Managing a pooled budget</b></p> <ul style="list-style-type: none"> <li>• Are partners agreed on why the flexibility of a pooled fund is required?</li> <li>• Have partners agreed to the aims, outcomes and resource to be committed to the fund?</li> <li>• Is there a clearly defined criterion for accessing the</li> </ul>  | <p>Pooled health and social care fund for a specific service or client group with clear accountabilities and access arrangements.</p> | <p>CIPFA guide "<i>Pooled budgets: A Practical Guide for Local and Health Authorities</i>". Further details can be obtained</p>   |

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| <p>fund?</p> <ul style="list-style-type: none"> <li>• Are management arrangements for the fund in place? <ul style="list-style-type: none"> <li>- which partner will host the fund?</li> <li>- who will be able to access the fund?</li> <li>- who will manage it?</li> <li>- who will review the pool and how often?</li> <li>- what are the auditing arrangements?</li> <li>- how long will the pool operate for?</li> </ul> </li> <li>• Have partners agreed joint eligibility criteria and a single assessment process?</li> <li>• Will training be provided for those staff who assess eligibility and access the fund?</li> <li>• Are services provided for the fund eligible for charging? If so, is there a process in place to deal with this?</li> </ul> |                                | <p>from:<br/> <a href="http://www.cipfa.org.uk/shop">www.cipfa.org.uk/shop</a></p> |
| <p><b>Commissioning services</b></p> <ul style="list-style-type: none"> <li>• Which partner will lead the commissioning process?</li> <li>• Have partners agreed the resource to be committed?</li> <li>• Have partners agreed the management arrangements for commissioning including: <ul style="list-style-type: none"> <li>- the reporting arrangements?</li> <li>- the performance measures to be used?</li> <li>- Budget monitoring?</li> <li>- Protocols for dealing with delays and slippage in</li> </ul> </li> </ul>   | <p>Commissioning agreement</p> |  |

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| <p>the commissioning process?</p> <ul style="list-style-type: none"> <li>- VAT liabilities for partnership activities?</li> <li>▪ Has the role of the independent sector been taken into account in the commissioning process?</li> <li>▪ Is it clear how contracts will be let by the partnership?</li> <li>• Does the lead partner have experience in this area – is training required?</li> <li>• Are there charging issues to be resolved and agreed?</li> </ul>   |   |  |
| <p><b>Integrating provision</b></p> <ul style="list-style-type: none"> <li>• Have partners agreed an integrated model of care and care pathway(s) for the client group?</li> <li>• How will this change be managed – what steps will be taken to support staff?</li> <li>• Have partners agreed on the extent for trusted assessments?</li> <li>• Have partners agreed clear lines of managerial and professional leadership within the organisation?</li> <li>• Have partners agreed how assets will be managed, owned and accounted for. Are there any location issues which hinder partnership working?</li> <li>• Have arrangements been put in place to manage the different terms and conditions of staff, including differences in pension arrangements?</li> </ul> | <p>Integrated single management structure</p> |  |

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| <ul style="list-style-type: none"> <li>• Will staff be transferred or seconded through this process – has this been negotiated with the relevant bodies?</li> <li>• Have you considered what the impact of integrating this service will be on the staff profile of partner organisations?</li> <li>• What training will be offered staff and their managers to support and integrate professionals into one structure?</li> <li>• Have partners agreed a process for quality assurance (including complaints) which is acceptable both professionally, across agencies and with users and carers?</li> </ul> |  |  |
| <p><b>Evaluation</b></p> <ul style="list-style-type: none"> <li>• How will improvements in services be measured?</li> <li>• How and when will the outcomes of the partnership be evaluated?</li> <li>• What will the partnership do if the outcomes have not been met?</li> </ul>   | <p>Evaluation process<br/>Risk assessment including an exit strategy</p> | <p>DH guidance available on:<br/><a href="http://www.doh.gov.uk/jointunit/guidance.htm">http://www.doh.gov.uk/jointunit/guidance.htm</a></p> <p>The Nuffield Institute for Health has developed a Partnership Assessment Tool for health and social care. This diagnostic, self assessment tool can be</p> |

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|  |   | obtained from:<br><a href="http://www.leeds.ac.uk/nuffield/pubs/index.htm">http://www.leeds.ac.uk/nuffield/pubs/index.htm</a>              |
| <p><b>Notification</b></p> <ul style="list-style-type: none"><li>• Once the basis of the partnership arrangement has been established and agreed, the written agreement will need to be defined in writing. This should include details of some of the outcomes listed here.</li><li>• This should be sent together with the Notification Form to <a href="mailto:paul.brittain@doh.gsi.gov.uk">paul.brittain@doh.gsi.gov.uk</a></li></ul> | Completed Notification Form to <a href="mailto:paul.brittain@doh.gsi.gov.uk">paul.brittain@doh.gsi.gov.uk</a> | Notification form can be obtained from:<br><a href="http://www.doh.gov.uk/jointunit/appa.htm">http://www.doh.gov.uk/jointunit/appa.htm</a> |