

Classification: Open	Decision Type: Non-Key
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Report to:	Cabinet	Date: 15 February 2023
Subject:	Locality Board Formalisation	
Report of	Deputy Leader and Cabinet Member for Adult Care, Health, and Wellbeing	

Summary

1. Partners in Bury jointly agreed a refreshed Locality Plan for health and care reform in January 2022 and have been operating revised partnership arrangements for health and care in Bury throughout 2022. This has included the work of a Locality board, operating in shadow form, and serving as the apex of the Bury Integrated Care partnership arrangements.
2. At the Locality Board meeting in December 2022 it was recognised that the partnership should take steps to formalise the operation of the Locality Board, and in particular responding to the requirement of NHS Greater Manchester to secure the formality of devolved decision making and management of the Section 75 agreement between two partners to the Locality Board – the Council and NHS Greater Manchester.
3. This paper provides more detail on all the documents required for approval:
 - A Locality Plan – refreshed to reflect the work of the Bury Integrated Care Partnership during 2022 and the establishment of the Greater Manchester integrated Care System, but maintaining the clear and previously agreed objectives and priorities of our local agreement to include the strong focus on prevention, earlier intervention, health inequalities and neighbourhood working.
 - A Terms of Reference for the operation of the Locality Board – built out of the previously agreed Terms of Reference for the shadow Board.
 - A partnership agreement for the members of the Locality Board
 - An initially revised section 75 agreement for the council and NHS Greater Manchester.
4. These local discussions link to the requirement of NHS Greater Manchester governance that all localities formalise Locality Board terms of reference and related documentation prior to end of March 2023. This approval will enable Locality Boards to formally adopt decision making powers from 1st April 2023 onwards.
5. The governance requirement is that all documentation is approved at the Locality Board, and then approved through appropriate Local Authority

processes prior to final approval by the Integrated Care Organisation Board in March 2023.

6. This report outlines the key elements of all documents requiring approval.
7. The report also outlines the need for all documentation to remain responsive to ongoing commitments in Bury to neighbourhood and partnership working across organisational boundaries.

Recommendation(s)

8. To note the content of this report and in particular the key documents that require approval at local level.
9. To recognise the need and commitment to regularly review and refine key documents to ensure that they continue to underpin our local commitment to close neighbourhood and partnership working arrangements.
10. To note the requirement to approve the 2022/23 finance schedules alongside the formalisation of Locality Board documentation and confirm the authority for the Locality Executive Director of Finance to approve any final minor amendments to this schedule.

Reasons for recommendation(s)

11. To fulfil the requirement of NHS Greater Manchester governance that all localities formalise Locality Board terms of reference and related documentation prior to end of March 2023. This approval will enable Locality Boards to formally adopt decision making powers from 1st April 2023 onwards.

Alternative options considered and rejected

12. N/A

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Introduction

13. As part of the transition to ICO arrangements, all localities are required to formalise Locality Board terms of reference and related documentation, to allow Greater Manchester Integrated Care Board (ICB) approval prior to the end of March 2023.

14. The documents that are a requirement of the ICB approval are as follows:-
 - Locality Board terms of reference.
 - Bury Integrated Care Partnership Agreement.
 - Section 75 agreement.
 - Finance schedule relating to 2022/23 budgetary limits.
15. Additional documents also circulated to Locality Board members for completeness:-
 - Locality plan.
 - Section 75 agreement, covering report.
16. It is recognised that the ongoing commitment to both neighbourhood and partnership working remains strong, with a need for ongoing review and refresh of all key documents to support these aspirations.

Background

17. Recognising that prior to 1st July 2022, the Locality was working in shadow form the approach to the formalisation of each document has been to use the shadow documentation as the base point with additional amendments included to reflect key changes post 1st July 2022. This approach ensures that the integrity of shadow locality working arrangements remains with amendments included as appropriate to further strengthen governance arrangements and the related detail.
18. In particular, finance schedules and the related documentation has needed to be amended to reflect the reduced level of budgets now delegated to localities.
19. Whilst the Locality Board terms of reference are based on the shadow governance arrangements, a number of additional elements have been included to reflect key inclusions that all Greater Manchester localities are required to incorporate (from the nationally defined 'boiler plate' terms of reference document.)
20. Recognising that a number of large documents require review and approval by Locality Board members, the key elements of each document are summarised within this covering report to aid in the approvals process and related Locality Board discussions.

Locality Board Terms of Reference

21. The basis of this amended document remains the shadow Locality Board terms of reference that have been reviewed and approved previously. This approach recognises the fact that the shadow terms of reference already accurately identified the role and objectives of the Locality Board.

22. The shadow Locality Board started meeting in October 2021 and it is important to note that the formalised document proposed here does not fundamentally change either the responsibilities of the Locality Board or the requirements of its members as previously set out and agreed whilst working in shadow form.
23. In Bury, the Locality Board is to work under a hybrid arrangement meaning that it is a Joint Committee of the Local Authority for the s75 and pooled budget decisions and then a committee of the ICB to enable it to receive and act on ICB delegations along with making decisions collectively on aligned and non-pooled budgets.
24. Operationally, the hybrid working arrangement will allow the Locality Board to operate as a single meeting which will have the section 75 Committee in Common embedded within it. This approach will ensure that all Locality Board members will be able to contribute to the discussions in an open and transparent manner.
25. The membership and voting rights have been amended to reflect current working arrangements. It is noted that these inclusions may need further consideration as ICB and locality working arrangements develop further.
26. The updated terms of reference clearly outlined which members have voting rights for section 75 decisions and which can vote for decisions linked to aligned (non-pooled) decisions. The agenda for Locality Board meetings will clearly detail under what section of the meeting a specific decision is to be made in to ensure voting rights for each item are explicit at the outset.
27. The updated documents include the required amendments from the nationally defined 'boiler plate' documentation and the terms of reference have also been expanded to fully reflect ongoing statutory requirements noting that, subject to GM ICB approval, the Locality Board will become a decision making board from 1st April 2023.
28. The revised terms of reference also include additional detail to fully reflect Local Government requirements for decision making– a number of elements of standardised text have been included to fully reflect processes and guidance to ensure compliance with the constitution.
29. For ease of reference, and as previously requested by Locality Board members, where additional information/text has been incorporated this has been highlighted in red.

30. A key element of the formalisation of this document has been the need to further strengthen the elements relating to conflicts of interest, conduct of meetings and the requirements of the statutory framework.
31. The Locality Board terms of reference continues to be underpinned by the updated Locality Plan documentation along with the ongoing commitment to strong neighbourhood and partnership working within Bury.

Bury Integrated Care Partnership Agreement

32. The Bury Integrated Care Partnership Agreement remains an integral document that underpins our local commitment to strong neighbourhood and partnership working.
33. In particular, this partnership agreement articulates in specific terms how the integral partnership working across the locality is governed by the Locality Board and related governance structures.
34. The formalisation of the Locality Board does not in any way change this partnership agreement rather, the two governing documents together help to strengthen and embed the strong working arrangements across the Borough.
35. A requirement of the GM ICB sign-off is submission of this partnership agreement alongside the revised terms of reference and related documentation.

Section 75 Agreement (covering report)

36. A key component of the required GM ICB assurance is the rebasing of existing section 75 agreements recognising that revised budgetary delegations under ICB arrangements limit budgets that can be pooled under this agreement. It should be noted that this is an agreement between the Local Authority and NHS Greater Manchester.
37. The revised section 75 agreement does not change in any way the Local Authority inclusions but, instead amends the health elements to reflect current funds delegated to localities namely :-
 - Continuing Health Care
 - Mental Health
 - Prescribing (primary care)
 - Better Care Fund
38. Recognising that the section 75 agreement itself is a lengthy and legally binding document, a summary covering report is included here to allow Locality Board members to more easily review the proposed changes to current section 75 arrangements. The principles outlined in this covering

report underpin the changes to the working section 75 full document and in particular the amended finance schedules.

39. The amended section 75 document proposed here is wholly based on the existing document, with some minor amendments to reflect the reduced level of delegated budgets now in place.
40. It is recognised that, whilst the section 75 documentation proposed here, is a legally binding and compliant document that satisfies the immediate requirements of GM ICB approvals, it is recognised that further work to strengthen this document further would add value to locality working.
41. It is proposed that the existing section 75 documentation be amended to reflect the changes to the financial schedule and revised terms of reference outlined in this covering report in order to satisfy the immediate GM ICB approval. This proposal is alongside the recognition that locally appropriate additions to the section 75 documentation for the locality will be made moving forward to strengthen it further. On this basis, a further review and refresh of this document is proposed within the next 3-6 months – it is not anticipated that this review will impact on the GM ICB approval, rather it will reflect iterative developments on this key document to more fully support locality working.

Finance Schedule – relating to 2022/23 budgetary limits

42. As a condition of approving Locality Boards to take on formal decision making powers from 1st April 2023 onwards it is a requirement for localities to formally approve the 2022/23 budgetary limits and related finance schedule.
43. Work to confirm formal approval of these budgetary limits continues with no material issues reported as this stage.
44. It is proposed that final amendments to reach agreement on this schedule are delegated to the Executive Director of Finance, recognising that the agreement reflects current year budgetary working arrangements.

Locality Plan

45. Whilst not a formal requirement of GM ICB approvals, it is important to recognize that the Locality Plan remains the underlying commitment that partners work to around which all the formalised governance arrangements sit.
46. On this basis, a refresh to the Locality Plan has been undertaken and forms an element of the documents for review/approval by Locality Board members.

Next Steps / Recommendations

47. Cabinet is asked to confirm approval of the following key documents that will form part of the GM ICB approvals process :-
- Locality Board terms of reference.
 - Bury Integrated Care Partnership Agreement.
 - Section 75 agreement – principles included within covering report.
48. Cabinet is asked to recognise the requirement to commit to the 2022/23 finance schedules as part of the GM ICB approvals process and is asked to confirm that this final decision to be approve be delegated to the Executive Director of Finance.
49. Cabinet is asked to note the ongoing commitment of partners to work across neighbourhoods in order to continue to deliver our Locality Plan.
50. Cabinet is asked to note that the principles included within the section 75 report included here will form the basis of the detailed updates to the full section 75 working document and the financial schedules in particular.
51. Cabinet is asked to note the commitment to further strengthen the section 75 legal documentation with a further iteration of this document proposed within next 3-6 months.
52. Cabinet is asked to note the contents of the updated Locality Plan that underpins all the work happening across the borough.

Links with the Corporate Priorities:

53. N/A

Equality Impact and Considerations:

54. N/A

Environmental Impact and Considerations:

55. N/A

Assessment and Mitigation of Risk:

56. N/A

Legal Implications:

57. As set out in the report.

Financial Implications:

58. As set out in the report.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning