

# Agenda Item 9

		<b>THE HEALTH SCRUTINY COMMITTEE FOR LINCOLNSHIRE</b>	
Boston Borough Council	East Lindsey District Council	City of Lincoln Council	Lincolnshire County Council
North Kesteven District Council	South Holland District Council	South Kesteven District Council	West Lindsey District Council

## **RESPONSE OF HEALTH SCRUTINY COMMITTEE FOR LINCOLNSHIRE TO THE CONSULTATION ON THE INTEGRATED CARE PROVIDER CONTRACT**

**Question 1** - Should local commissioners and providers have the option of a contract that promotes the integration of the full range of health, and where appropriate, care services? *Yes/No/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

Yes. The Health Scrutiny Committee for Lincolnshire supports any contractual arrangements which promote the integration of health and social care. The Committee believes that any ICP contract should be fully accountable to commissioners, including local authorities and their local communities. The accountability arrangements should be clearer in terms of decision making, particularly as ICP contracts could be as long as ten years.

The Health Scrutiny Committee would like the ICP contract arrangements to make full use of health and wellbeing boards, who have a statutory role is the promotion of integration between health and social care. Health and wellbeing boards already have a basis in existing legislation.

The Committee would like to emphasise the phrase: "have the option", as participation in any ICP should be on a voluntary basis, and incentives should not be used as a means of compelling local participation.

For ICP contracts of ten years, the Committee emphasises the need for robust contract performance and management arrangements.

**Question 2** - The draft ICP contract contains new content aimed at promoting integration, including:

- Incorporation of proposed regulatory requirements applicable to primary medical services, included in a streamlined way within the draft ICP contract
  - Descriptions of important features of a whole population care model, as summarised in paragraph 30.
- a) Should these specific elements be amended and if so how exactly?  
*Yes/no/unsure; and please explain your response.*
- b) Are there any additional requirements which should be included in the national content of the draft ICP Contract to promote integration of services?  
*Yes/no/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

- a) Yes. As stated in the response to question 1, the Health Scrutiny Committee for Lincolnshire would like the ICP contract arrangements to make full use of health and wellbeing boards, who have a statutory role is the promotion of integration between health and social care.
- b) Yes. The Health Scrutiny Committee for Lincolnshire understands that joint strategic needs assessments and joint health and wellbeing strategies will continue, would like clarification of the intention for ICPs "to provide an analysis of population health needs and to develop strategies to improve health and wellbeing" (*paragraph 30 of the consultation document*).

In relation to shared electronic patient records (*paragraph 30 of the consultation document*), the Health Scrutiny Committee would like to be assured that appropriate safeguards are in place to protect confidentiality, but overall the concept of shared records is supported.

**Question 3** - The draft ICP contract is designed to be used as a national framework, incorporating core requirements and processes. It is for local commissioners to determine matters such as:

- The services within scope for the ICP
- The funding they choose to make available through the contract, within their overall budgets
- Local health and care priorities which they wish to incentivise, either through the locally determined elements of the financial incentive scheme or through additional reporting requirements set out in the contract

Have we struck the right balance in the draft ICP contract between the national content setting out requirements for providers, and the content about providers' obligations to be determined by local commissioners? *Yes/no/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

Yes. However, the Health Scrutiny Committee for Lincolnshire is concerned that incentivising commissioners to award an ICP contract may in effect compel them to participate, when the basis of the ICP contract arrangements should be voluntary, as they may not work in all parts of the country.

It is important that any ICP is focused on local people and communities, and they act as an independent advocate in this role, within an integrated system/process.

**Question 4** - Does the bringing together of different funding streams into a single budget provide a useful flexibility for providers? *Yes/No/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

Yes. The Health Scrutiny Committee for Lincolnshire supports the principle of pooled budgets. As stated above, contract performance and management arrangements would need to be robust.

**Question 5** - We have set out how the ICP contract contains provisions to:

- guarantee service quality and continuity
  - safeguard existing patient rights to choice
  - ensure transparency
  - ensure good financial management by the ICP of its resources.
- a) Do you agree or disagree with our proposal that these specific safeguards should be included? *Agree/ Disagree/unsure; and please explain your response.*
- b) Do you have any specific suggestions for additional requirements, consistent with the current legal framework, and if so what are they? *Yes/No/unsure; and please explain your response.*

**Response of the Health Scrutiny Committee for Lincolnshire**

- a) Agree. It is important these safeguards are included to ensure that high quality services are provided to communities. There also needs to be transparency on the part of the ICP on how it allocates resources. Health overview and scrutiny committees should have a role in seeking assurance on the transparency of decision making.
- b) No comment.

**Question 6**

- a) Should we create a means for GPs to integrate their services with ICPs, whilst continuing to operate under their existing primary care contracts? *Yes/No/unsure; and please explain your response.*
- b) If yes, how exactly do you think we should create this?
- c) Are there any specific features of the proposed options for GP participation in ICPs that could be improved? *Yes/No/unsure; and please explain your response.*

**Response of the Health Scrutiny Committee for Lincolnshire**

- a) Yes.
- b) The consultation document sets out the proposed approach in paragraph 73 (first bullet point), whereby an integration agreement is established between GPs and the ICP.
- c) No comment.

**Question 7**

- a) Do you think that the draft ICP contract adequately provides for the inclusion of local authority services (public health services and social care) within a

broader set of integrated health and care services? *Yes/No/unsure; and please explain your response.*

b) If not, what specifically do you propose? *Please explain your response.*

#### Response of the Health Scrutiny Committee for Lincolnshire

a) Yes. The Health Scrutiny Committee for Lincolnshire believes that it is important that local authorities have discretion on whether to participate in an ICP contract arrangement. Where local authorities participate, it is important that there is equality between health and social care services and recognition of health and social care are partners in a very complex system.

Where local authorities are involved, the role of the local health and wellbeing board, which has a statutory responsibility for the promotion of the integration of health and social care, should have a clear and defined role in relation to the decision making arrangements for the contract.

b) Not applicable.

**Question 8** - The draft ICP contract includes safeguards designed to help contracting parties to ensure commissioners' statutory duties are not unlawfully delegated to an ICP:

- It provides a framework within which decisions can be taken by the ICP, based on a defined scope of services which the commissioners require the ICP to deliver
- It includes a number of specific protections, outlined in paragraph 83, which together prohibit the provider from carrying out any activity which may place commissioners in breach of their statutory duties

Are there any other specific safeguards we should include to help the parties to ensure commissioners' statutory duties are not unlawfully delegated to an ICP? *Yes/No/unsure; and please explain your response.*

#### Response of the Health Scrutiny Committee for Lincolnshire

The response to this question is largely set out in paragraph 86 of the consultation document, which states: "*NHS England and NHS Improvement will seek assurance that before the contract is awarded the CCG has taken legal advice on its ability to carry out its statutory functions.*"

**Question 9** - The draft ICP contract includes specific provisions, replicating those contained in the generic NHS standard contract, aimed at ensuring public accountability, including:

- requirements for the involvement of the public as explained in paragraphs 89-93
- requirement to operate an appropriate complaints procedure
- complying with the 'duty of candour' obligation

- a) Should we include much the same obligations in the ICP contract on these matters as under the generic NHS standard contract? *Yes/No/unsure; and please explain your response.*
- b) Do you have any additional, specific suggestions to ensure current public accountability arrangements are maintained and enhanced through an ICP contract? *Yes/No/unsure; and please explain your response.*

Response of the Health Scrutiny Committee for Lincolnshire

- a) Yes.
- b) The Health Scrutiny Committee for Lincolnshire, as stated in the responses to questions 1 and 7 emphasises the statutory role of health and wellbeing boards in promoting the integration of health and social care.

The Health Scrutiny Committee for Lincolnshire would also like to see the local authority health scrutiny function acknowledged. Health overview and scrutiny committees fulfil an important role, in that they enable councillors to reflect the concerns of their communities, and hold both commissioners and providers of NHS-funded services to account for the planning, provision and delivery of local health services. It should be confirmed that any organisation awarded an ICP should be required to engage appropriately with health overview and scrutiny committees, on the same basis as the existing arrangements.

**Question 10** - It is our intention to hold ICPs to a higher standard of transparency on value, quality and effectiveness, and to reduce inappropriate clinical variation. In order to achieve this the draft ICP contract builds on existing NHS standards by incorporating additional provisions describing the core features of a whole population model of care and new requirements relating to financial control and transparency:

- a) Do you think that the draft ICP contract allows ICPs to be held to a higher standard of value, quality and effectiveness and to reduce inappropriate clinical variation? *Yes/No/unsure; and please explain your response.*
- b) Do you have any additional, specific suggestions to secure improved value, quality and effectiveness, and reduce inappropriate clinical variation? *Yes/No/unsure; and please explain your response.*

Response of the Health Scrutiny Committee for Lincolnshire

- a) Unsure.
- b) Yes. Transparency is important.

**Question 11** - In addition to the areas covered above, do you have any other suggestions for specific changes to the draft ICP contract, or for avoiding, reducing or compensating for any impacts that introducing this contract may have? *Yes/No/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

The Health Scrutiny Committee for Lincolnshire believes that the learning from areas where ICP contracts are initially introduced needs to be shared as soon as possible.

The Committee also emphasises the importance of public engagement and consultation with the decision-making process to award any ICP contract.

**Question 12** - Are there any specific equality and health inequalities impacts not covered by our assessment that arise from the provisions of the draft ICP contract? *Yes/No/unsure; and please explain your response.*

### Response of the Health Scrutiny Committee for Lincolnshire

Yes, the ICP Contract needs to include an explicit understanding that there will be appropriate clinical variation but that this should only be to address health inequalities.

#### Note on the Health Scrutiny Committee for Lincolnshire

Lincolnshire County Council has delegated its health scrutiny functions, as set out in section 244 of the National Health Act 2006 and Regulations 20 – 29 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to the Health Scrutiny Committee for Lincolnshire.

There are 16 members of the Health Scrutiny Committee for Lincolnshire. Eight of these are Lincolnshire County Councillors. Seven are Lincolnshire District Councillors, representing each of the seven district council areas in Lincolnshire. One member of the Committee represents Lincolnshire Healthwatch.

This response was approved by the Committee on 17 October 2018.