

Report of Director of Resources and Housing

Report to Executive Board

Date: 7th February 2018

Subject: Leeds Health and Care Partnership - City Digital Governance – Memorandum of Agreement and Public Co-operation Agreement

Are specific electoral wards affected?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, name(s) of ward(s):	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary of main issues

To achieve the delivery of integrated care it is essential that the Council and Health Service Partners work together on the digital agenda.

The Health and Care Partnership Executive Group endorsed this approach in October 2017 and have agreed to fund a City Digital Team hosted by Leeds City Council. Furthermore it has been agreed that partner organisations would commit to the following actions:

- Commit to a Memorandum of Agreement setting out the governance upon which investment decisions will be made
- Commit to align individual partner organisations digital and information governance to the city arrangements
- Commit to a public co-operation agreement as the basis for the delivery of any shared digital and information solutions or services across the partnership

The Memorandum of Agreement is a document that formally commits the partners to make strategic digital and information decisions supporting the delivery of integrated health and care through city governance. Whilst the Public co-operation agreement provides the basis for the partners to be able to provide joint shared digital and information services across the partnership (where appropriate).

This paper therefore formally seeks to commit the Council to the following:

1. Commit the Council to a Memorandum of Agreement in relation to a single strategy and governance for digital and information services.
2. To reflect the commitment to the Memorandum of Agreement within the City Council's officer delegations and decision making.
3. To enter into a public co-operation agreement with the Health & Care partners in the City to enable the delivery of shared digital and information services (where appropriate) to best support the delivery of integrated health and care and/or where it is economically in the interests of the Leeds pound.
4. To note that any shared service schedules developed will be approved through the processes set-out in the council's officer delegation scheme.

Recommendations

1. Executive Board are asked to note that the Director of Resources and Housing will commit the Council to a Memorandum of Agreement to make strategic digital and information decisions in relation to solutions supporting the delivery of integrated health and care through city partnership governance. The council officer delegation scheme will be updated to reflect this agreement.
2. Executive Board are asked to note that the Director of Resources and Housing will enter into a public cooperation agreement effective from 1st April 2018 with the Leeds Health and Care Partnership for the delivery of shared digital and information services (where appropriate) to best support the delivery of integrated health and care and/or where this is economically advantageous and in the interests of the Leeds pound.
3. Executive Board are asked to note that the Director of Resources and Housing and Chief Digital and Information Officer will take any decision to enter into any shared service schedules under the Council's existing officer delegation scheme.

1. Purpose of this report

- 1.1 To update Executive Board and seek support for the decision to commit the Council to a Memorandum of Agreement with Health partners to make strategic digital and information decisions supporting the delivery of integrated health and care through city partnership governance.
- 1.2 To update Executive Board and seek support for the decision to enter into a public cooperation agreement effective from 1st April 2018 with the Health partners in the City for the delivery of shared digital and information services (where appropriate).

2. Background information

- 2.1 National, regional and local health and care strategy articulates the need to design, organise and integrate the full cycle of care around the needs of population groups by moving away from organisational silos towards jointly accountable local care systems and accessible specialist care. The Leeds 'System Blueprint for Population Health Management' defines this for the integrated health and care system in Leeds.
- 2.2 Whilst some opportunities provide economic or performance efficiencies to individual organisations, other strategies should be viewed as essential to support increasingly integrated health and care across organisations and therefore require collective decision making. For example, integrated technology is essential to enable:
 - Staff working flexibly and across organisations
 - Staff communicating with each other, between organisation and with patients
 - Clinical information being shared to enable integrated direct care
 - Information being shared for commissioning and planning
 - The visibility of care pathways and scheduling of activities across organisations
- 2.3 To future-proof such work these capabilities need to be delivered in such a way as to isolate the technology from future organisational changes. Strategic partners, such as NHS England and NHS Digital, endorse this approach.
- 2.4 Our agreed strategic approach is that: *Anything which is 'place-based', and therefore enables or has an impact on integrated services or care, will be decided upon a 'Place First' principle through a City Digital team.* In addition, other economic opportunities might be identified that individual organisations can choose to opt-in or out of, thus benefitting the use of the Leeds, West Yorkshire or National '£'.
- 2.5 Costs may be incurred in one organisation to see benefits initially realised in another. The net beneficial effect of a shared service may be seen at a place and patient/citizen based level, although individual organisations may perceive winning or losing in terms of benefits. For our citizens and providers 'place' may vary, for example the Leeds Teaching Hospitals delivers many services across a Yorkshire and Humber footprint. Our digital solutions therefore need to be relevant beyond Leeds and compatible with multiple 'places' e.g. compatible with areas of collaboration that are also taking place across WYAAT (West Yorkshire Association of Acute Trusts). This will be accounted for as we design place-based solutions i.e. some place-based solutions will be designed in conjunction with partners, such as WYAAT and important to supporting organisations such as NHS Digital who want simplified and standardised solutions that can be shared with other places.

- 2.6 To achieve the successful delivery of integrated care it is essential that key elements of technology are designed and implemented to a place-based 'architecture'. This means that some decisions will be made at the Place-level and not at organisational level. The Health and Care Partnership Executive Group approved the approach to construct a Memorandum of Agreement between partner organisations to work to City First governance. It was however, noted that this will require that partner organisations align their local Information and Technical governance to this proposed City-governance, thus ensuring that local strategies, roadmaps and procurements support integrated care.
- 2.7 It was also recognised that delivering solutions to meet place-based requirements requires joint working across all partners in the development, delivery and on-going support of integrated systems and potentially shared digital resources and solutions.
- 2.8 The City Chief Information Officer's commissioned an external review of the potential options for an Alternative Delivery Vehicle to deliver shared services. This review has concluded that for all City partners to be included in any agreement on an equal basis, a public to public cooperation agreement based on formal Service Level Agreements, is the only option available. This included the involvement of procurement and legal advisors from across partner organisations.
- 2.9 The Health and Care Partnership Executive Group endorsed this strategic approach in October 2017 and agreed that partner organisations would commit to the following actions;
- Sustainably fund a City Strategy and Solutions team to lead on place based architecture decisions
 - Commit to a Memorandum of Agreement setting out the governance upon which city architecture and investment decisions will be made
 - Commit to align individual partner organisations digital and information governance to the city arrangements
 - Commit to a public co-operation agreement as the basis for the delivery of any shared digital and information solutions or services across the partnership
- 2.10 The Memorandum of Agreement is a document that formally commits the partners to make strategic digital and information decisions supporting the delivery of integrated health and care through city governance. Whilst the Public co-operation agreement provides the basis for the partners to be able to provide joint shared digital and information services across the partnership (where appropriate).

3. Main issues

3.1 Health and Care Memorandum of Agreement

- 3.1.1 Following an external review of the City's digital strategy and approach to the delivery of integrated health and care. The Health and Care Partnership Executive Group in October 2017 approved the approach to construct a Memorandum of Agreement to make strategic digital and information decisions supporting the delivery of integrated health and care through city partnership governance.
- 3.1.2 The Director of Resources and Housing will commit the council to this approach. This will be reflected in the Chief Officer's delegation scheme as it will require the council to formally align its local Information and Technology governance to the City

governance, thus ensuring that local strategies, roadmaps and procurements best support integrated care.

- 3.1.3 Within the City digital governance outlined in the Memorandum of Agreement the partner representatives will have delegated authority to make decisions on matters falling under their scope. They will be accountable for reporting and consulting with their own respective organisations at the appropriate level, providing governance assurance that is compliant with their regulatory, financial and audit requirements, for organisational decisions relating to, and in support of, the City partnership principles and facilitating these functions in a timely manner.
- 3.1.4 The council has worked within this governance under the Leeds Health and Care partnership for a number of years. The Chief Digital and Information Officer meets on a monthly basis with peers across the Health and Care partnership in the City Chief Information Officers Steering Group. This Memorandum of Agreement is adding formality to these arrangements and reflecting this in individual organisations governance arrangements.
- 3.1.5 The Director of Resources and Housing will sign off the final version of the Memorandum of Agreement following full completion of partner consultation. A draft of the Memorandum of Agreement is attached as appendix A.

3.2 Public Cooperation Agreement

- 3.2.1 Delivering solutions to meet place-based requirements requires joint working across all partners in the development, delivery and on-going support of integrated systems and potentially shared digital resources and solutions.
- 3.2.2 The City Chief Information Officer's commissioned an external review of the potential options for an Alternative Delivery Vehicle to deliver shared services. This review has concluded that for all the City partners to be included in any agreement on an equal basis, a public to public cooperation agreement based on formal Service Level Agreements, is the only option available to the City partnership due to the respective powers of the organisations.
- 3.2.3 The public cooperation agreement will provide a framework that allows the partners to deliver shared digital and information services (where appropriate) to best support the delivery of integrated health and care and/or where it is economically advantageous and in the interests of the Leeds pound. Individual shared services will be described in schedules under this co-operation agreement.
- 3.2.4 The public cooperation agreement will be effective from 1st April 2018.
- 3.2.5 The Director of Resources and Housing will approve the final public cooperation agreement following completion of partner consultation.
- 3.2.6 Any Shared Service schedules will be entered into and taken as decisions under the existing Directors delegation scheme. The Director of Resources and Housing must approve all procurements. The contract award for procurements under £250k are delegated to the Chief Digital and Information Officer. All contracts awards over £250k remain the responsibility of the Director.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Lead members briefed.
- 4.1.2 The Health and Care Partnership Executive Group has endorsed this approach as have the Leeds Informatics Board and the City Chief Information Officers Steering Group.
- 4.1.3 This approach has been endorsed by strategic partners, such as NHS England and NHS Digital as well as industry leading analysts who reviewed our approach.
- 4.1.4 External review of the options and approach to public collaboration was also sought by the City Partners.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 This provides an overarching governance framework for reaching decisions on Digital strategy and the delivery of digital and information services. Equality considerations will be picked up by specific programmes, projects and/or procurements as part of the standard approach to delivery.

4.3 Council policies and best council plan

- 4.3.1 To support delivery the outcomes of the Health and Wellbeing Strategy, the system blueprint for integrated health and care and the Leeds Digital Roadmap.

4.4 Resources and value for money

- 4.4.1 There are no immediate financial implications based on these decisions. Funding is already in place for the City Digital Team. There are opportunities through future shared services schedules to make savings across the City partners, generate income for the council and/or avoid future costs through economies of scale.
- 4.4.2 The costs of preparing the Memorandum of Agreement and Public Co-operation Agreement have been covered from the partner contributions in 2017/18. Although partners may well seek their own legal advice.
- 4.4.3 Individual shared service schedules will outline the financial arrangements and be approved in line with the existing Directors delegation scheme.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The Memorandum of Agreement is not a legally binding document but formalising a commitment to effective governance that will support partnership working.
- 4.5.2 The public cooperation agreement is entered into using the Council's powers under the Localism Act 2011 in that;
 - 4.5.2.1 The agreement implements a co-operation between the parties with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common.
 - 4.5.2.2 The implementation of that co-operation is governed solely by considerations relating to the public interest.

- 4.5.2.3 The parties perform on the open market less than 20% of the activities concerned by this co-operation

4.6 Risk management

- 4.6.1 Prioritisation, resource management and financial management at a city wide level will be vital to manage successful delivery. We will have to align some current activities across organisations to deliver the best outcome for the Health and Care system across the city. Without effective governance and organisations commitment to this approach the costs of integration and inter-operability will increase, we will miss opportunities to drive efficiencies and better outcomes for citizens and patients will not be delivered.
- 4.6.2 This city wide architectural accountability is needed and dedicated resource will be required. The mandate to halt, agree, alter existing organisation specific architectures (for the benefit of the whole) is essential.

5. Conclusions

- 5.1 To achieve the successful delivery of integrated care it is essential that key elements of technology are designed and implemented to a place-based 'architecture'. This means that some decisions will be made at the Place-level and not at organisational level. The Health and Care Partnership Executive Group approved the approach to construct a Memorandum of Agreement between partner organisations to reflect this and set-out a 'City first' governance framework.
- 5.2 This paper therefore formally commits the Council to the following;
- Commit the Council to a Memorandum of Agreement to make strategic digital and information decisions supporting the delivery of integrated health and care through city partnership governance.
 - The Council to reflect the commitment to the Memorandum of Agreement within the Council's officer delegations and decision making
 - To enter into a public co-operation agreement with the Health & Care partners in the City to enable the delivery of shared digital and information services (where appropriate) to best support the delivery of integrated health and care and/or where it is economically in the interests of the Leeds pound.

6. Recommendations

- 6.1 Executive Board are asked to note that the Director of Resources and Housing will commit the Council to a Memorandum of Agreement to make strategic digital and information decisions supporting the delivery of integrated health and care through city partnership governance. The council officer delegation scheme will be updated to reflect this agreement.
- 6.2 Executive Board are asked to note that the Director of Resources and Housing will enter into a public cooperation agreement effective from 1st April 2018 with the Health partners in the City for the delivery of shared digital and information services (where appropriate) to best support the delivery of integrated health and care and in the interests of the Leeds pound.

- 6.3 Executive Board are asked to note that the Director of Resources and Housing and Chief Digital and Information Officer will take any decision to enter into any shared service schedules under the Council's existing officer delegation scheme.

7. Background documents¹

- 7.1 None

8. Appendices

- 8.1 Draft Memorandum of Agreement.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.