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| **Agenda Item No:** | **11** |



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| **Report to:** | Humber & North Yorkshire Integrated Care Board |
| **Date of Meeting:** | 12th March 2025 |
| **Subject:** | **Specialised Commissioning Arrangements** |
| **Director Sponsor:** | Karina Ellis, Executive Director of Corporate Affairs  Nigel Wells, Executive Director of Clinical & Professional |
| **Author:** | Penny Gray, Director of Strategic Commissioning  Mikki Golodnitski, Head of Strategic Commissioning |

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| **STATUS OF THE REPORT:**  Approve  Discuss  Assurance  Information  A Regulatory Requirement |

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| **SUMMARY OF REPORT:**  Effective April 2025, Integrated Care Boards (ICBs) will assume commissioning responsibility for 84 of the 154 specialised services, previously managed by NHS England (NHSE). The Board has reviewed papers ensuring progress towards this delegation in its meetings held in November 2024 and February 2025.  In February 2025, the Board received a progress update along with assurances regarding the key actions leading up to the specialised commissioning delegation. This update indicated that governance documents would be presented to the Board in March for approval of the delegation, effective from April 2025.  Formal delegation papers requiring Board approval are now presented at the March Board meeting. It should be noted that minor amendments to the Operational Scheme of Delegation (OSD) and Scheme of Reservation and Delegation (SORD) will be presented to the Board in April as part of the annual approval process.  **RECOMMENDATIONS:**  The Board is asked to:   * **NOTE** the update on progress made in moving towards delegation. * **APPROVE** the formal establishment of a Y&H Joint Committee for Specialised Commissioning and the associated **Terms of Reference**. * **APPROVE** the sign off of the **delegation agreement** by the Executive Lead SRO, subject to no material risks being identified ahead of delegation * **APPROVE** the sign off of the **collaboration agreement** by the Executive Lead SRO, subject to no material risks being identified ahead of delegation * **APPROVE**the **operating model** (contained within Schedule 9 of the Delegation Agreement) * **NOTE** the **Operational Scheme of Delegation (OSD) and Scheme of Reservation & Delegation (SORD),** and associated updates, will be presented to the April Board. |

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| **ICB STRATEGIC OBJECTIVE** |

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| Leading for Excellence |  |
| Leading for Prevention |  |
| Leading for Sustainability |  |
| Voice at the Heart |  |

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| **IMPLICATIONS** |

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| Finance | A finance workstream has been established lead by NHSE to agree the funding and approach for delegated services |
| Quality | Quality teams have completed the Safe Delegation Checklist |
| HR | South Yorkshire ICB will lead with NHS E on HR and OD implication of delegation. |
| Legal / Regulatory | The ICB governance and scheme of delegation will be updated to reflect the responsibilities ahead of delegation in April 2025.  A Delegation Agreement and Collaboration Agreement will set out the scope of the delegated responsibilities. |
| Data Protection / IG | Information Governance leads have been engaged to complete actions relating to delegation. |
| Health inequality / equality | A health inequalities group has been established, and this will continue to be a focus post-delegation, to support the ICB to meet its 'triple aim', |
| Conflict of Interest Aspects | No conflicts of interest are identified in relation to this paper. |
| Sustainability | There are no sustainability implications relating to this paper. |

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| **ASSESSED RISK:**  A number of risks have been identified and agreed with NHSE and other NEY ICBs.  Mitigations have been put in place and gaps in mitigations have been identified. This will continue to be monitored through the Joint Committee arrangements. |

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| **MONITORING AND ASSURANCE:**  The Joint Committee is now operating in shadow form ahead of delegation in April 2025. The Joint Committee will continue to monitor progress and provide reports to ICB Boards post delegation. |

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| **ENGAGEMENT:**  NHS England have undertaken engagement with providers and clinical networks around the plans for delegation of services. Shared communications with Y&H ICBs and NHSE will be put in place ahead of delegation. |

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| **REPORT EXEMPT FROM PUBLIC DISCLOSURE** No  Yes |

**SPECIALISED COMMISSIONING DELEGATION**

1. **BACKGROUND**
   1. Effective April 2025, Integrated Care Boards (ICBs) will assume commissioning responsibility for 84 of the 154 specialised services, previously managed by NHS England (NHSE). The Board has reviewed papers ensuring progress towards this delegation in its meetings held in November 2024 and February 2025.

* 1. In February the Board received assurance that there had been no deviation from the plan, and that all outstanding issues were expected to be resolved ahead of delegation from April 2025.
  2. Formal delegation papers requiring Board approval are now presented at the March Board meeting. It should be noted that minor amendments to the Operational Scheme of Delegation (OSD) and Scheme of Reservation and Delegation (SORD) will be presented to the Board in April as part of the annual approval process.

1. **ASSESSMENT (Progress)**
   1. Progress against key outstanding areas has been made as expected, specifically

* Development of the operating model for delegated and retained services,
* Agreement of the roles and responsibilities for the senior leadership team including clinical leadership that will continue to support the commissioning hub team,
* Progress towards an OD plan to support the staff through SY ICB as the host hub.
  1. The Board are now asked to review the formal delegation arrangements and documentation that will support and enable the safe transfer of commissioning responsibilities to the ICB.
  2. The delegation of specialised commissioning is underpinned by a number of governance documents and arrangements:
* The **Delegation Agreement** (Appendix A) puts in place formal arrangements between the ICB and NHS England, setting out the local governance arrangements, operating model, roles and responsibilities and future locally agreed developmental arrangements.
* A **transitional Memorandum of Understanding** (Appendix B) sets out the arrangements between April 2025 and the transfer of staff to the host hub in July 2025
* The **Collaboration Agreement** (Appendix C) is an agreement between the NEY ICBs which agrees the arrangements and support to be provided by SY ICB as the host for the delegation specialised commissioning team. The Collaboration Agreement also includes the financial risk share agreement that has been developed by all finance leads in ICBs and NHSE to support the delegation arrangements and mitigate financial risks to any one ICB.
* The **Joint Committee Terms of Reference** (Appendix D) form part of the Delegation Agreement and set out the formal governance arrangements for decision making between the YH ICBs. The Terms of Reference also include arrangements for an extra-ordinary Committees in Common, with Northeast and North Cumbria ICB, for any decisions that require all four NEY ICBs.
* Updates to the **ICB Scheme of Reservation & Delegation** and the **ICB** **Operational Scheme of Delegation** of the ICB are being agreed by governance and finance colleagues and will be presented to the April Board, for approval, alongside other ICB updates to governance documentation.
  1. The key delegation documents have been drafted with support and advice from Hill Dickinson, who have supported all NEY ICBs on the delegation process, informed by ICBs Heads of Governance and the HNY specialised commissioning steering group.
  2. A Near Final Draft of the agreements is attached to this briefing note. A number of outstanding issues are expected to be finalised ahead of formal signatures by the end of March and are not considered material changes to the agreement.
  3. The outstanding issues are:

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| **Document** | **Area** |
| Collaboration Agreement | * Finalise risk share agreement with ICB and NHSE finance sub-group * Finalise HR duties that SY ICB will undertake as the host hub on behalf of NEY ICBs * Receive signed copies of the Data Controller Agreement and the DPIA and cross check this with schedule 6 of the Delegation Agreement |
| Collaboration Agreement | * Finalise Organisational Development (OD) plan that will support staff in the transfer to the hub and cross reference this to the Delegation Agreement. |
| Transitional MOU | * Confirm that EPRR and On-call duties will be transferred on 1 July to enable further process mapping and training to be undertaken * Confirm position in relation to management of complaints between 1 April and 1 July 2025 |
| Delegation Agreement | * Finalise wording on development arrangements to reflect working across the wider ICS system and with provider collaboratives * Confirmation from NHSE that they are content with wording around decision making on any changes to retained staffing that could impact on ICBs ability/capacity to undertake their delegated responsibilities * Final 'sense check' across operating model, governance arrangements, and retained/delegated commissioning team to ensure consistency in wording and language |

* 1. The shadow Joint Committee has identified a risk due to the potential impact of the recent NHSE announcement on further headcount reductions which could impact upon the planned recruitment or staffing structures for the delegated hub team.
  2. NHSE are expecting to confirm the position and continue with planned recruitment for existing vacancies in early March 2025. If this position is not confirmed, or the recruitment is unable to continue, this will be escalated to the Executive SRO leads across NEY to agree if the risk would be a significant, material change.
  3. Should this situation arise, the Board will be kept informed of the decision and any delay to signing the agreements.

1. **RECOMMENDATIONS**

The Board is asked to:

* **NOTE** the update on progress made in moving towards delegation.
* **APPROVE** the formal establishment of a Y&H Joint Committee for Specialised Commissioning and the associated **Terms of Reference**.
* **APPROVE** the sign off of the **delegation agreement** by the Executive Lead SRO, subject to no material risks being identified ahead of delegation
* **APPROVE** the sign off of the **collaboration agreement** by the Executive Lead SRO, subject to no material risks being identified ahead of delegation
* **APPROVE**the **operating model** (contained within Schedule 9 of the Delegation Agreement)
* **NOTE** the **Operational Scheme of Delegation (OSD) and Scheme of Reservation & Delegation (SORD),** and associated updates, will be presented to the April Board.

**Appendices:**

**Appendix A: Delegation Agreement**

**Appendix B: Transitional Memorandum of Understanding**

**Appendix C: Collaboration Agreement**

**Appendix D: Joint Committee Terms of Reference**

**END.**