

**Agenda Item 04**

Report to: Governing Body

Date of Meeting: 13th December

Subject: Section 75 Agreement

Presented by: Helen Kenyon

**STATUS OF THE REPORT *(auto check relevant box****)*

For Information [ ]

For Discussion [ ]

For Approval / Ratification [x]

Report Exempt from Public Disclosure [x]  No [ ]  Yes

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| --- | --- |
| **PURPOSE OF REPORT:** | This report is brought to the Governing Body to formally approve the updated s75 agreement The attached document has been updated in conjunction with NEL Council, and independent legal advice has been provided by DAC Beachcroft LLP. It should be noted that NEL Council has already agreed the revised document. |
| **Recommendations:** | For the Governing Body to formally approve the updated s75 agreement |
| **Sub Committee Process and Assurance:**  | The draft was discussed at the Union Board workshop on the 11th October  |
| ***Implications:*** |  |
| **Risk Assurance Framework Implications:**  | As detailed in the agreement  |
| **Legal Implications:** | Independent legal advice has been provided by DAC Beachcroft LLP |
| **Equality Impact Assessment implications:** | An Equality Impact Analysis/Assessment is not required for this report [x] An Equality Impact Analysis/Assessment has been completed and approved by the EIA Panel. As a result of performing the analysis/assessment there are no actions arising [ ]  from the analysis/assessmentAn Equality Impact Analysis/Assessment has been completed and there are actions arising [ ]  from the analysis/assessment and these are included in section \_\_\_\_ of the enclosed report |
| **Finance Implications:** | None  |
| **Quality Implications:** | This report details a positive impact on quality. [x] The proposal put forwards, if agreed, would have a positive impact in terms of enabling providers to meet safe staffing targets. Retention and recruitment is forecast to be improved, which would have a positive impact on the safe delivery of local services.This report details a neutral impact on quality. [ ] The report will not make any impact on experience, safety or effectiveness. This report details a negative impact on quality. [ ] The report details the need for budgets to be significantly reduced. It is clear that the report summarises that quality will be negatively impacted by this as decisions to remove services/provide a lower level of provision to solely meet the ‘must do’s’ of provision in terms of meeting people’s needs has to be made. It is forecast that service user experience will be negatively impacted by this position. |
| **Procurement Decisions/Implications *(Care Contracting Committee):*** | Not applicable |
| **Engagement Implications:** | COM and the chair of the Community forum have engaged in the process |
|  |  |
| **Conflicts of Interest**  | *Have all conflicts and potential conflicts of interest been appropriately declared and entered in registers which are publicly available?* [x]  Yes [ ]  No |
| **Links to CCG’s Strategic Objectives** | [x]  Sustainable services [x]  Empowering people[x]  Supporting communities [x]  Delivering a fit for purpose organisation |
| **NHS Constitution:** | <https://www.gov.uk/government/publications/the-nhs-constitution-for-england> |
| **Appendices / attachments** |  |