

Report title: Mid and South Essex Memorandum of Understanding	
Report to: Councillor John Spence – Cabinet Member for Health and Adult Social Care	
Report author: Peter Fairley, Director, Strategy and Integration	
Date: 21 July 2020	For: Decision
Enquiries to: Peter Fairley, Director, Strategy and Integration, email peter.fairley@essex.gov.uk	
County Divisions affected: This affects divisions within Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon and Rochford districts	

1 Purpose of Report

- 1.1 To confirm Essex County Council's agreement to the Memorandum of Understanding (MoU) for the Mid and South Essex Sustainability and Transformation Partnership.

2 Recommendations

- 2.1 Agree that the Council enters into the MoU in the form appended to this report.

3 Summary of issue

- 3.1 Sustainability and Transformation Partnerships (STPs) bring together the NHS, local government and other partners in the health and social care sector to work together to improve health outcomes for local populations. Essex County Council is in three of these partnerships: one in Mid and South Essex; one in Hertfordshire and West Essex; and one in Suffolk and North East Essex. The STP is not a legal entity and it does not itself have statutory powers. It does have a board and it is influential as to how the partners work together.
- 3.2 The partners in the Mid and South Essex STP have developed a memorandum of understanding, the purpose of which is to formalise and build on existing partnership arrangements and relationships within the Mid and South Essex STP footprint which is the districts of Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon and Rochford as well as Thurrock and Southend.
- 3.3 The MoU is not legally binding and therefore signing it will have no legal effect. However it seeks to set out processes and how functions will be delivered. In particular it specifies the functions that will be delivered at:

- Locality level (typically covering population of 30-50,000, based on primary care networks)
 - 'Place' level (these 'places' are Mid Essex; Basildon and Brentwood; South East Essex; and Thurrock)
 - System (ie. Mid and South Essex) level
- 3.4 The MoU also outlines how partners will discharge the two key roles for the Integrated Care System, as defined by NHS England and Improvement. These are to:
- Work together to agree and deliver a co-ordinated programme of transformational change, to secure the long-term sustainability of the system, ensure local delivery of the NHS Long Term Plan (LTP) and to support transformation of delivery of health and care at System, Place and Locality.
 - Collectively manage system performance, including the overall NHS financial and operational performance of the system, noting that individual organisations retain individual (and statutory) accountabilities
- 3.5 The MoU document is in two parts:
- A. The first part provides an overview of the Partnership, its vision and priorities, principles for integrated working and a description of the functions at System, Place and Locality/Primary Care Network
 - B. The second part is called 'Ways of Working' – which provides an overview of the governance arrangements and expectations for mutual accountability and collective agreement.
- 3.6 The MoU is not:
- a. A legal contract. It is not intended to be legally binding and no legal obligations or legal rights arise between the Partners from this MoU.
 - b. Intended to replace or override the legal and regulatory frameworks that apply to our statutory NHS organisations and Local Authorities.
- 3.7 The MoU has been developed by a working group of the Mid and South Essex STP and has been endorsed by the STP Board. They are now asking individual organisations to approve the MoU through their governance processes by 31 July 2020.
- 3.8 The MOU will be reviewed annually and any changes would need to be agreed by ECC.

4 Next steps

- 4.1 Essex County Council will work with partners in Mid and South Essex on proposals to help implement the aspirations of the Memorandum of Understanding.

5. Financial Implications

- 5.1 There are no financial implications from agreeing this MoU.
- 5.2 Any changes to financial arrangements that may arise in future from integrating health and social care would be subject to Cabinet approval.

6 Legal Implications

- 6.1 The MoU is not a legal contract and no legal obligations arise from agreeing the MoU.
- 6.2 Nothing in this decision alters or changes the Council's decision-making and accountability arrangements.
- 6.3 Signing the MoU may give rise to a legitimate expectation that we will behave in a particular way and it is therefore important that the Council only signs it if it is confident that it intends to follow the processes

7. Equality Implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

Mid and South Essex STP Memorandum of Understanding
Equality Impact Assessment

9. List of Background Papers

None

I approve the recommendations set out above for the reasons set out in the report.	Date
Councillor John Spence, Cabinet Member Health and Adult Social Care	23.07.2020

In consultation with:

Role	Date
Executive Director of Adult Social Care	17 July 2020
Nick Presmeg	
Executive Director for Finance and Technology (S151 Officer)	21 July 2020
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	21 July 2020
Paul Turner	