

**Association of Directors of Social Services
South East Region
Memorandum of Co-operation: Cross-border Commissioning**

1.0 Introduction

A memorandum of understanding (MoU) exists as a voluntary agreement between the 18 councils in the South East. The MoU describes how Directors of Adult Social Services (DASSs) want councils to work together co-operatively to help lead improvement of adult social care services. DASSs commission and lead a Regional Programme which focuses on what councils can do better together and with partners; to support shared learning and accelerate implementation of effective practice. DASSs have agreed that it is a priority to strengthen strategic approaches to commissioning and market development at regional and council levels.

The Commissioning and Market Development Network has an action plan addressing important areas of risk within the region. Hampshire CC has led development of a Memorandum of Co-operation (MoC) on cross border commissioning within this action plan.

At the South East ADASS branch meeting on 7th July 2017 DASSs agreed a revision to the draft MoC to include reference to the principles of collaboration in the Gloucestershire Sustainability and Transformation development plan. DASSs want to ensure the MoC provides a useful platform and makes it easier for councils to co-operate. DASSs also indicated that this MoC should sit alongside the overall South East ADASS MoU and Data Sharing Protocol as overarching agreements for councils in the region.

2.0 Context

The Care Act 2014 placed new duties on local authorities to promote market strength, stability and diversity. Markets are not bound by the same borders as local authorities, with some organisations providing services across larger geographical areas. For local authorities to meet their legal duties to the best of their abilities, we need to work in partnership and be aware of these duties in a more strategic approach to commissioning and procurement.

3.0 Scope

This MoC covers the commissioning of all social care undertaken by all parties to the agreement.

4.0 Governance and Review

This MoC is established under the auspices of South East ADASS and will be overseen by the regional Commissioning and Market Development Network. The Network will review and update the MoC as required.

Approval by the branch means each council endorses and agrees to observe the following principles:

4.1 Councils will seek to communicate and co-operate with other councils before undertaking commissioning/procurement that is likely to have a significant impact on other councils within the region, the local market or resources, or to have a collective impact.

Before commissioning a significant number of placements within the borders of another council, the commissioning authority will seek to notify the council in which the placement is based.

4.2 Councils will avoid competitive behaviours in relation to cross-border commissioning or in areas where providers may be contracting with more than one council.

Councils must recognise their collective responsibility for the potential impacts of commissioning activities as well as the need for autonomy when undertaking this work.

4.3 Councils will not knowingly engage in activity that may destabilise or threaten the sustainability of local markets or economies.

4.4 Councils agree to co-operate with bordering authorities to ensure that their commissioning activities promote sustainability, diversity, quality, vibrancy and best value in local care markets.

4.5 Councils will maintain transparency and share information with other councils relating to the safeguarding of individuals when necessary and when appropriate and in accordance with the Data Protection Act and the ADASS Policy Guidance 2016.

4.6 Councils will act in a way which is consistent with the principles of collaboration developed for Gloucestershire's Sustainability and Transformation Plan shown in Appendix 1.

5.0 List of councils within the scope for this MoC

1. Bracknell Forest Council
2. Brighton and Hove City Council
3. Buckinghamshire County Council
4. East Sussex County Council
5. Hampshire County Council
6. Isle of Wight Council
7. Kent County Council
8. Medway Council
9. Oxfordshire County Council
10. Portsmouth City Council
11. Reading Council
12. Southampton City Council
13. Surrey County Council
14. Slough Council
15. West Berkshire Council
16. West Sussex County Council
17. The Royal Borough of Windsor and Maidenhead
18. Wokingham Borough Council

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Principles of collaboration adapted from Gloucestershire's Sustainability and Transformation Plan:

- collaborate and co-operate. Adhere to the governance structure set out in this MoC;
- be accountable. Take on, manage and be accountable to each other for responsibilities as referred to within this MoC;
- be open. Communicate openly about major concerns, issues or opportunities relating to this MoC;
- adhere to statutory requirements and best practice;
- act in a timely manner;
- work constructively with stakeholders;
- deploy appropriate resources to fulfil the responsibilities set out in this MoC; and
- act in good faith to support achievement of the objectives of this MoC and compliance with these principles.