

DATED:

2016

**(1) BASILDON AND THURROCK UNIVERSITY HOSPITALS NHS FOUNDATION
TRUST**

(2) SOUTHEND UNIVERSITY HOSPITAL NHS FOUNDATION TRUST

(3) MID ESSEX HOSPITAL SERVICES NHS TRUST

JOINT WORKING AGREEMENT



1. Introduction

- 1.1 Basildon and Thurrock NHS Foundation Trust (“**Basildon**”), Southend University NHS Foundation Trust (“**Southend**”) and Mid Essex Hospital Services NHS Trust (“**Mid Essex**”) (together the “**Trusts**”) are putting in place a governance structure which will enable them to work together to implement change.
- 1.2 All three trusts have agreed to establish committees which shall work in common with each other, but which will each take decisions separately on behalf of their own organisation. The three trusts have decided to adopt terms of reference in substantially the same form, with the exception that membership of the committees may be different. The committees shall be referred to here as:
 - 1.2.1 “**Basildon Committee**” shall mean the committee established by Basildon and Thurrock NHS Foundation Trust to work alongside the committees established by Southend University NHS Foundation Trust and Mid Essex Hospital Services NHS Trust;
 - 1.2.2 “**Southend Committee**” shall mean the committee established by Southend University NHS Foundation Trust to work alongside the committees established by Basildon and Thurrock NHS Foundation Trust and Mid Essex Hospital Services NHS Trust; and
 - 1.2.3 “**Mid Essex Committee**” shall mean the committee established by Mid Essex Hospital Services NHS Trust to work alongside the committees established by Basildon and Thurrock NHS Foundation Trust and Southend University NHS Foundation Trust.
- 1.3 Together, Basildon Committee, Southend Committee and Mid Essex Committee are referred to in this Principles of Working as the “**three Committees**”.
- 1.4 Clare Panniker, chief executive of Basildon, will be seconded to Mid Essex as the interim chief executive under a separate agreement.

2. Background

- 2.1 The Trusts are located in one of the three areas in England where health and care organisations will work more closely together to make improvements for patients as part of a “Success Regime”, a collaboration between the TDA, Monitor and NHS England. The aim of the Success Regime is to help create the conditions for success in challenged areas and its purpose is to protect and promote services for patients in areas which face financial and quality issues.
- 2.2 The Essex Success Regime recognises that in order to solve system-wide problems in Essex, it is not appropriate to focus on one organisation but instead to concentrate on the whole health and care economy, fixing problems together.

- 2.3 The Trusts have identified that a preferred model for their closer collaboration and joint working is to establish a governance structure that, so far as possible within the existing legislation, enables “group” and common decision making structures.
- 2.4 The Trusts do not intend that this governance structure will lead to a statutory merger or acquisition under section 56 or section 56A of the Act and the intention is that each body will remain in existence.
- 2.5 The aim of the Trusts is to create a synergy by working together in order to raise the quality of services for patients and solve system-wide problems by focussing on the needs across the whole health and care economy.
- 2.6 The objectives of the “group” structure are to facilitate the Trusts to deliver the following vision as part of the Mid and South Essex Success Regime:
- 2.6.1 the three acute hospitals in South and Mid Essex Success Regime are working with partners in health and social care to deliver significant system wide improvements to the quality, efficiency, effectiveness and affordability of our services for current and future patients.
- 2.6.2 our ambition is to build a network of care that can be delivered as close to home as possible but concentrated in our local centres of excellence where clinical evidence supports improved outcomes for patients. Patients will experience more reliable and standardised care that is coordinated across the hospitals and community. Waiting times will be reduced for all services.
- 2.6.3 changes to services will be enhanced by the integration of corporate and support services that will contribute to the clinical, workforce and financial stability that the new arrangements will bring.

3. Principles of working

- 3.1 The Trusts have all agreed to adopt this Joint Working Agreement (“JWA”) document, dated [DN: add] and agree to operate their committees in line with the Principles of Working.
- 3.2 Principles of Working –
- 3.2.1 delivering a clinically and financially sustainable health and care system across the areas covered by Basildon and Thurrock NHS Foundation Trust, Southend University NHS Foundation Trust and Mid Essex Hospital Services NHS Trust;
- 3.2.2 aligning priorities across the health and care systems provided by Basildon and Thurrock NHS Foundation Trust, Southend University NHS Foundation Trust and Mid Essex Hospital Services NHS Trust;
- 3.2.3 people and patients come first

4. Process of working together

- 4.1 The three Committees shall meet together and discuss the matters delegated to them in their terms of references (attached here as Appendix 1).
- 4.2 The three Committees shall work collaboratively in relation to each other to relation to the committees in common model.
- 4.3 Each of the Basildon Committee, the Southend Committee and Mid Essex Committee are separate committees, with functions delegated to them from their respective Trust, and with responsibility to their Trust. Acknowledging this and without fettering the decision-making power of each committee or their duty to act in the best interests of their Trust, the three Committees shall seek to reach agreement with the other Committees and take decisions in consensus, in light of the aims and guiding principles set out above.
- 4.4 When the three Committees meet in common, then one person from each of the Basildon Committee, the Southend Committee and the Mid Essex Committee shall preside over and run the meeting on a rotating basis.

5. [Termination

- 5.1 If any Trust wishes to revoke the delegation of the function to the relevant committee ("**Revoking Trust**"), then the Revoking Trust shall, prior to such revocation:
 - 5.1.1 send a written notice to each of the other Trusts of the Revoking Trust's intention to do so; and
 - 5.1.2 if required by any of the other Trusts (by sending a written notice within two (2) business days of receipt of such notice) meet with the other Trusts within ten (10) business days of the notice given under clause 6.1.1 to discuss the consequences of such revocation.
- 5.2 If:
 - 5.2.1 no Trust sends a notice to the Revoking Trust within the time limit referred to in clause 6.1.2; or
 - 5.2.2 following the meeting held under clause 6.1.2 the Revoking Trust still intends to revoke its delegation,

then the Revoking Trust may immediately revoke its delegation and in which case the JWA shall terminate.
- 5.3 If following the steps and meeting (if any) pursuant to clause 6.1.2 above, any Trust shall revoke the delegation to its committee then, the remaining Trusts shall meet to consider whether:
 - 5.3.1 to terminate this JWA and revoke their delegations; or

5.3.2 to amend and replace this JWA with a revised JWA to be executed by the remaining Trusts and to make such revisions to the delegations to their committees as may be appropriate in the circumstances.]

6. Conflicts of Interest

6.1 Members of each of the three Committees shall ensure that members of the other Committees are aware of any conflict of interest applicable to them which has any relevance to the work of the three Committees.

7. Dispute Resolution

The Trusts will develop a dispute resolution procedure to guide the parties in the event that consensus cannot be reached on a particular issue.

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THIS JOINT WORKING AGREEMENT is executed on the date stated above by

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For and on behalf of Basildon and Thurrock

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For and on behalf of Southend

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For and on behalf of Mid Essex

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APPENDIX 1

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