# **Public Document Pack**



# **Agenda**

# **Cabinet Member for Adult Services**

#### **Time and Date**

3.00 pm on Thursday, 17th March, 2022

#### **Place**

Diamond Rooms 1 and 2 - Council House

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#### **Public Business**

- 1. Apologies
- 2. Declarations of Interest
- 3. **Minutes** (Pages 3 6)
  - a) To agree the minutes of the meeting held on 2<sup>nd</sup> September, 2021
  - b) Matters arising
- 4. Day Opportunities for Adults with Learning Disabilities (Pages 7 16)

Report of the Director of Adult Services and Housing

5. Renewal of the Section 75 agreement between Coventry City Council and Coventry and Warwickshire Partnership Trust (Pages 17 - 30)

Report of the Director of Adult Services and Housing

6. **Outstanding Issues** (Pages 31 - 34)

Report of the Director of Law and Governance

#### Private business

None

Julie Newman, Director of Law and Governance, Council House, Coventry

Wednesday, 9 March 2022

Note: The person to contact about the agenda and documents for this meeting is Michelle Rose Tel: 024 7697 2645 Email: michelle.rose@coventry.gov.uk

Membership: Councillors M Mutton (Cabinet Member) and J Birdi (Shadow Cabinet Member)

#### **Public Access**

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# Michelle Rose

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# Agenda Item 3

# Coventry City Council Minutes of the Meeting of Cabinet Member for Adult Services held at 10.00 am on Thursday, 2 September 2021

Present:

Members: Councillor M Mutton (Cabinet Member)

Councillor J Birdi (Shadow Cabinet Member)

Employees:

P Fahy, Director of Adult Services L Knight, Law and Governance J Reading, Adult Services

#### **Public Business**

# 6. **Declarations of Interest**

There were no declarations of interest.

# 7. Minutes

The minutes of the meeting held on 3<sup>rd</sup> September 2020 were agreed as a true record. There were no matters arising.

# 8. Day Opportunities for Adults and Older People

The Cabinet Member considered a report of the Director of Adult Services which sought approval to consult on two proposals, one concerning the establishment of a Dementia Hub at the Maymorn building and the second on the closure of the Community Zone service at Frank Walsh House Annex and the re-provision of that service at the Wilfred Spencer Centre.

The report indicated that the Council directly provided or commissioned a range of day opportunities for adults. These served a vital function in at least two separate but related ways:

- They provided meaningful activities including learning, stimulation and recreation helping in promoting the independence of service users
- They provided valuable daytime respite for informal carers.

In order to protect vulnerable people during the first wave of Covid-19, day services were closed in March 2020 and were partially reopened from August 2020 which remained the position in August 2021. In response to the closure and subsequent partial reopening of centre-based day opportunities, the City Council had continued to fund packages of care for its eligible residents where required as an alternative to day centre attendance and had worked with providers to adapt day centre-based approaches, to more agile targeted activities that optimised safe interaction but minimised the risk of Covid-19 infection. The report provided detailed information on the numbers of adults and older people receiving a centre based day opportunity arranged through Adult Social Care prior to Covid and currently.

The Council had already begun a reduction in reliance on building-based services and provision of more opportunities for people to make use of community options

before the onset of the Covid -19 pandemic, for example, through the delivery of its Jenner 8 centreless service for adults with learning disabilities. The closure and only partial reopening of building based services had given added impetus for the development of outreach models to people in their own homes including utilising care technology solutions to engage people in meaningful activities. Nevertheless, for some individuals, building based services would continue to be the most effective way of meeting specific needs and a blended approach was now required. Management of infection prevention and control was likely to be required for the foreseeable future and provided further opportunity to consider alternative ways to meet need where possible.

This report was seeking permission to consult on the following two proposals:

### Proposal 1 - Dementia Hub

Creation of a Dementia Hub based at the Maymorn building in Everden Road, Holbrooks. This proposal, which resulted from an informal engagement exercise with stakeholders from across the City, would maintain an element of "in person" whole day attendance for part of the week. In addition, through a network of partner agencies including health services and Community and Voluntary sector organisations working in collaboration, the Hub would enable a rich variety of benefits for service users and their families simplifying dementia support access for people with dementia, their families and professionals including GPs.

It was proposed that there would be a wide range of activities and information provided through the Hub to enable people to extend their living well years through early identification information, healthy lifestyles advice and support, physical activity and social and mental activities leading to improved quality of life for those living with Dementia and their carers and families.

# Proposal 2 - Learning Disability Hub

This proposal would see consolidation of building based learning disabilities day opportunities delivered from two establishments; Wilfred Spencer Centre in Whitaker Road, Whoberley and Frank Walsh House annex Jenner Street, Hillfields to focus on as single hub at Wilfred Spencer Centre. It sought to re-design the service into a vibrant "hub and spoke" model incorporating community access and leading to improved outcomes for service users and their families.

The report set out why it was not recommended to either revert back to the pre Covid arrangements or to close building-based services and rely exclusively on community based/ technical solutions.

Details of the engagement activities undertaken in respect of the proposals were outlined.

The report highlighted that there continued to be a number of other day time options available which were independent of Council Adult Social Care funding, examples included Coventry Resource Centre for the Blind, Coventry Asian Blind Association, Ben Day Centre, MBI, Coundon Care and We Care More. Affected by the Pandemic in similar ways to Council provided/commissioned services there was evidence of more recent recovery and restoration of provision.

Members asked about the capacity to cope with an increasing demand for centre based services and what was being done to meet the needs of the different communities in the city.

#### **RESOLVED that:**

- (1) The formal consultation with service users, carers, staff and other stakeholders in connection with the establishment of a Dementia Hub at Maymorn be approved.
- (2) The commencement of formal consultation with service users, carers, staff and other stakeholders around the closure of the Community Zone service at Frank Walsh House Annex and re-provision of that service at Wilfred Spencer Centre be endorsed.

# 9. Market Development Plan: Mental Health

The Cabinet Member considered a report of the Director of Adult Services concerning the Mental Health Market Development Plan, a copy of which was set out at an appendix to the report. The report sought approval for publication of the Plan.

The report indicated that demand for mental health residential care and supported accommodation, and complexity of those coming through the system, had increased significantly in recent years due to local and national factors, and was projected to grow further as population numbers increased and the long-term effects of the Covid-19 pandemic continued to be felt. In recent years there had been a move towards more person-centred, enablement-based care and support in Adult Social Care. Over the next five years the Council planned to:

- Raise the quality of the existing mental health nursing, residential and supported accommodation to ensure evidence-based recovery-focused models were delivered in high-quality settings. Existing providers would be offered extensive support to meet required standards but ultimately decommissioned if standards were not met.
- Stimulate the market to develop additional capacity to meet the needs of
  existing service users, Coventry people placed out of city, and increased
  numbers of service users projected for the next five years. This would
  include a larger proportion of supported accommodation to promote
  reablement, recovery and a move back to independence, including
  specialist supported living for those with more complex needs or risks.
- Developing and expanding the existing community-based support model to support more people in their own homes and to enable people to move on to independent living with appropriate step-down community support more quickly and sustainably. This aspect was not included in this plan as the intention was to investigate Council internal options prior to considering independent sector options.

The report detailed that Councils had a duty to shape social care provider markets to ensure that a range of good quality provision was in place to meet the social care needs of individuals including adults with mental health conditions. This was

achieved through good commissioning practice which ensured that providers were aware of the type and volume of support that was likely to be required both now and in the foreseeable future.

Reference was made to Market Position Statements (MPS) which were a tool for providing this communication and the production of a Market Position Statement (MPS) for Adult Social Care was a requirement as part of the Care Act (2014). The Cabinet Member for Adult Services approved the Market Position Statement in October 2018. The report detailed what was included in this Market Position Statement.

Following the publication of Coventry's MPS the intention had been to produce a series of Market Development Plans (MDP) to provide the market with additional information about population needs, current developments and gaps in provision. The current plan was in relation to adults with mental health conditions. The Mental Health MDP was intended to achieve several objectives including:

- Reiteration and building upon information about need and demand from the MPS
- Reminding providers of the approach to adult social care and support in Coventry and its main objectives
- Setting standards for evidence-based, high quality new provision
- Explaining development schemes already in the pipeline
- Describing the likely residual demand that would require provision in the future.

The Cabinet Member was informed that current and potential new providers had been made aware of the content of the MDP during formal and informal conversations about developing the market over the last 18 months. Feedback from the provider sector was positive as they had welcomed a document that built on the MPS and gave more detail on demand to inform their investment decisions and provided confirmation that Coventry remained a place to deliver good quality sustainable developments. This had indicated a strong appetite to develop the types of specialist and more general provision covered in the document.

RESOLVED that approval be given to the publication of the Market Development Plan for adults with mental health conditions.

# 10. Outstanding Issues

The Cabinet Member considered a report of the Director of Law and Governance concerning the one outstanding issue item that was to be the subject of an update report at a future Cabinet Member meeting.

RESOLVED that it be noted that a report concerning "Adult Social Care Practice Framework Adults and their Carers at the Heart of Practice" will be submitted to a future meeting when appropriate.

(Meeting closed at 10.30 am)

# Agenda Item 4



Public report
Cabinet

Cabinet Member for Adult Services

17 March 2022

#### Name of Cabinet Member:

Cabinet Member for Adult Services - Councillor M Mutton

# **Director approving submission of the report:**

Director of Adult Services and Housing

# Ward(s) affected:

ΑII

Title:

Day Opportunities for Adults with Learning Disabilities

#### Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

#### **Executive summary:**

The Council directly provides or commissions a range of day opportunities for adults with learning disabilities and/or autism which are a combination of centre-based activity and more flexible community activity related opportunities.

The provision of day opportunities serves an important function in meeting our responsibilities to Adults with Care and Support needs and their carers in two primary ways:

- 1. The provision of meaningful activities including learning, stimulation, and recreation. These activities all help in promoting the independence of service users
- 2. The provision of valuable daytime respite for informal carers

The expectations of people with care and support needs and their families have been changing. Where day centres that provide solely 'in centre' support were traditionally the only available support model, user and carer expectations have changed. For many the provision of centre-based support with additional complimentary activities, with support, outside of the centre environment now provides the most effective service.

This move to a more blended approach was accelerated over the Covid-19 pandemic when in response to the closure of centres during the first lockdown in spring 2020 and subsequent partial reopening of centre-based day opportunities. The City Council has modified its model of direct service delivery and also worked with providers to adapt day centre-based approaches. These blended approaches optimise safe interaction but minimise the risk of Covid-19 infection, an issue that many service users and carers remain concerned about due to pre-existing health conditions despite the lifting of all national restrictions.

The Council has responded to this changing position by operating on an interim basis from fewer centres and providing alternatives to centre-based activities where required. Such an interim position was implemented for Wilfred Spencer Centre and the Community Zone which used to operate from two centres but since summer 2020 have only operated from Wilfred Spencer Centre in Allesley. This interim measure has proven popular with many people that use the service, and permission was gained from Cabinet Member in September 2021 to formally consult on making the approach permanent. The focus of the formal consultation was the proposal to mainstream this way of working and permanently close the day centre provision that operated from the Community Zone at Frank Walsh House in Hillfields.

This report seeks permission to implement the proposal to consolidate building based Learning Disabilities Day Opportunities delivered from two establishments: Wilfred Spencer Centre in Whitaker Road, Allesley and Frank Walsh House annex Jenner Street, Hillfields into a single hub at Wilfred Spencer Centre.

As well as consulting on the consolidation of two Learning Disability Day Centres the September Cabinet Member report also included the proposal for Older Peoples Dementia Day Services at Maymorn. The outcome of this will be reported separately as the consultation exercise is not yet complete.

#### Recommendations:

The Cabinet Member for Adult Services is recommended to approve the consolidation of Learning Disability Day Centre at Community Zone and Wilfred Spencer Centre to a single hub at Wilfred Spencer Centre in Allesley.

# **List of Appendices included:**

The following appendices are attached to the report:

None

Background papers:

Other useful documents

None

Has it or will it be considered by scrutiny?

No

Has it or will it be considered by any other council committee, advisory panel or other body?

No

Will this report go to Council?

No

Report title: Day Opportunities for Adults with Learning Disabilities

# 1. Context (or background)

- 1.1 Expectations of people with care and support needs and their families are changing where a more balanced approach to centre based and non-centre based opportunities is required.
- 1.2 This move to a more blended approach was accelerated over the Covid-19 pandemic where in response to the closure of centres during the first lockdown in spring 2020 and subsequent partial reopening of centre-based day opportunities.
- 1.3 Since the beginning of the pandemic, we have seen a reduction in service users wanting to attend building-based services and more interest in a flexible /outreach-based support.
- 1.4 The Council has responded to this changing position by operating on an interim basis from fewer centres and providing more alternatives to centre-based activities where required. Such an interim position was implemented for Wilfred Spencer Centre and the Community Zone which used to operate from two centres but since summer 2020 have been based at Wilfred Spencer Centre in Allesley. This interim measure has proven popular with many people that used the service, and as a result a formal consultation exercise commenced in September 2021 to mainstream this way of working and permanently close the day centre provision that operated from the Community Zone at Frank Walsh House in Hillfields.
- 1.5 This consolidation on an interim basis has helped the development of a more diverse day opportunity offer which includes a range of alternative and creative therapeutic, educational outreach services exploiting the opportunities afforded by technology which are delivering better outcomes for many of our service users. Virtual day services have also become more popular and will remain a future offer for service users, their families, and carers.
- 1.6 The changes in demand for centre-based services has been significant. Prior to Covid, Wilfred Spencer offered 170 places per week which supported 34 service users over 5 days, and the Zone offered 125 places supporting 25 service users over 5 days. Currently the combination of both services in the limited space at Wilfred Spencer is offering 120 places per week which is meeting current demand as we recover from the Covid 19 pandemic. After the refurbishment the new model aims to increase capacity to 260 places per week over 5 days and will be able to offer a wider variety of activities. Extra capacity will be realised as a result of the refurbishment and also as the use of the centre combines with activities in the community. We are starting to see increased demand as we recover from Covid and a robust and varied day service offer will support people who want to remain in their own home, it will also provide valuable respite for carers many who are older carers, thereby supporting carer resilience and helping to avoid admissions to care homes and supported living as a result of carer breakdown.

- 1.7 On 29 September 2021, following Cabinet Member approval Coventry City Council entered a consultation process on consolidation of the services. The formal consultation period ended on 29 October 2021 and since then questions and answers have been collated and shared with Trade Unions and staff and a small number of 1:1's have taken place with staff who wanted to discuss their personal circumstances.
- 1.8 All issues raised during the consultation were responded to on 17 December 2021 and there have been no further questions or issued raised in respect of the proposal. Examples of the issues raised, and responses are included below:

Issues	Response
Will staff who have worked at Wilfred Spencer, who are substantively based at Community Zone be required to move on a permanent basis to Wilfred Spencer Centre	Yes, the staff at The Community Zone are employed on city wide contracts that either state city wide and/or in any place of employment.
Could the Zone be kept open a little longer, whilst the work at Wilfred Spencer Centre is being completed?	No, as too much work needs doing to the Zone, during COVID service users have been attending Wilfred Spencer Centre, so if go back to Zone would be difficult. Alternative options will be explored so service users can access other services on days not safe for service users to attend.
What options will be provided to staff who can't work their full contracted hours at Wilfred Spencer Centre due to caring responsibilities or reasonable adjustments due to health conditions?	Normal council policy would apply in respect of flexible working and reasonable adjustments.
Some adaptations are required to the building at Wilfred Spencer Centre. When building work is being completed, what will happen with service users?	There may be some closure days if major work is required, for example when breakthrough for installing a through floor lift. Other adaptations are outside i.e., Transport Barrier to be installed.
Could the Zone be kept open a little longer, whilst the work at Wilfred Spencer Centre is being completed?	No, going back to the Community Zone even on an interim basis would be difficult as it has not been used for approaching two years so some interim work would be required.
Can we change the name of the service?	Yes, but not building name. This can be a matter dealt with once the outcome of consultation is confirmed.

# 2. Options considered and recommended proposal

# 2.1. Option 1 – Recommended Option - Consolidation of Services to a Day Services Hub at Wilfred Spencer Centre

This proposal would see consolidation of building based Learning Disabilities day opportunities delivered from two establishments; Wilfred Spencer Centre in Whitaker Road, Allesley and Frank Walsh House annex Jenner Street, Hillfields to focus on a single hub at Wilfred Spencer Centre. The proposal includes the re-design of the service into a vibrant "hub and spoke" model incorporating community access and leading to improved outcomes for service users and their families.

This option is recommended as it embraces the new ways of working which developed during the pandemic and makes the most of enhanced building-based services, whilst building support for people at home and equally exploiting technological solutions for delivery of support.

# 2.2. Option 2 – Not recommended. Revert to delivery at both Wilfred Spencer Centre and the Community Zone.

Whilst some stakeholders may support a return to delivery from two centres this option has the following disadvantages:

- Most service users/families do not wish to return to a two-centre building based model and operating building-based services with lower numbers would not be financially sustainable and may adversely impact on the quality of experience for service users
- Any future requirements for limiting numbers of attendees in buildings may not permit a return to previous numbers
- This option would compromise service improvements, flexibility and personalisation brought about through community based and virtual models of support which have been welcomed by many service users and their families.
- To return to the Community Zone would require investment as the facility has not been accessed since the initial lockdown in March 2020.

### 3. Results of consultation undertaken

- 3.1 Several engagement exercises were conducted prior to the Covid-19 pandemic in late 2019/early 2020. This included 9 families and 29 staff who showed broad support for the consolidation proposals.
- 3.2 The plan to create a vibrant Community Hub, which will incorporate Citizens attending for daytime activities, community access, the continuation of the virtual offer and the option for people with care and support needs to join just for specific sessions and events was welcomed by service users, families, and carers.
- 3.3 Local amenities offer many opportunities for people with care and support needs to be involved in the local community.

- 3.4 Family carers felt incredibly positive about the move, and more recently families have fed back that they are happy with the current service model, they have seen this as an improved location and improved facilities for their family member. Families also fed back that they were appreciative about being kept informed throughout the process.
- 3.5 Staff have advised that service users that have moved from the zone have settled into Wilfred Spencer well and families and carers are also happy.
- 3.6 Staff and Trades Union colleagues have been involved in engagement sessions
- 3.7 Following consultation several questions were asked and responses were provided to Trade Unions and staff, no further questions were asked following this communication.

# 4. Timetable for implementing this decision

4.1. Should Cabinet Member endorse the recommendation implementation will commence March 2022. Some building adaptations will be required which is dependant of contractor availability, but the work orders will be placed promptly should approval to proceed be given.

# 5. Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

# 5.1. Financial implications

There will be further investment into Wilfred Spencer to create a modern facility that can better meet the needs of people with a learning disability particularly to the second floor so it can start being used to its full potential, all of which is being funded by Disabled Facilities Grant.

To return to the Community Zone would require investment as the facility has not been accessed since the initial lockdown in March 2020.

Delivery of these proposals would realise potential revenue savings of £85K from a total budget of £1003K:

- Reduction of 1.0 FTE G5 management post releasing £26,446 (posts already vacant)
- Reduction of 1.0 FTE G3 Support Assistant posts releasing £22,892 (posts already vacant)
- No longer responsible for building maintenance costs associated with Frank Walsh Annex releasing £35,000

# 5.2. Legal Implications

The Care Act 2014 requires Local Authorities to meet the assessed eligible needs of service users and their carers, but discretion over how to do so. This enables each Authority to respond to the needs of its population and provide personalised care and / or support packages to individuals. In many circumstances, day opportunities are an

appropriate way to meet individual needs and ensure that the Council discharges its responsibilities to service users and informal carers

The Council also has a responsibility to consult with stakeholders in connection with proposed significant changes to service delivery to ensure that anyone who may be affected is able to contribute to the discussions and comment upon the proposals.

Public authority decision makers are under a non-delegable ongoing duty to have regard to the need to eliminate discrimination, advance quality of opportunity and foster good relations between persons who share a protected characteristic and decision makers must be consciously thinking about these aims as part of the decision-making process, with rigour and an open mind. The duty is to have "due regard" not to achieve a result, but to the need to achieve these goals and consideration must be given to the potential adverse impacts and the measures (if any) that are available to minimise any discriminatory effects. Members must therefore ensure that they read all relevant papers to enable them to assess the risk and extent of any adverse impacts and the ways in which any such risk can be eliminated. This requires more than just an awareness of the equality duty, it requires rigorous analysis by the public authority, beyond broad options. This is important both at this consultation stage and at any point when Members make any final decisions on any proposals that may be presented to them.

# 6. Other implications

# 6.1. How will this contribute to the achievement of the council's key objectives / corporate priorities (corporate plan / scorecard) / organisational blueprint / LAA (or Coventry SCS)?

Should the proposal be enacted they would support several the Council's One Coventry objectives i.e.

- ✓ Improving health and wellbeing
- ✓ Protecting our most vulnerable people
- ✓ Reducing health inequalities
- ✓ Availability of appropriate and relevant advice and information.

# 6.2. How is risk being managed?

As service users have not been to Frank Wash House since the start of the pandemic the risks associated with the transition to Wilfred Spencer Centre are limited. However any risks will be overseen by the service and team overseeing the implementation.

# 6.3. What is the impact on the organisation?

There are no contractual changes to employee's and there are no proposed redundancies as posts identified as savings are already vacant. A reduction in staff will be required but this will be achieved through not recruiting to vacant posts.

There will be estate implications due to no longer requiring the use of Community Zone. This is an annex to Frank Walsh House which is owned by Citizen Housing and

occupied by the City Council under a lease. Community Zone will be returned to Citizen Housing which gives the opportunity to use as part of the wider housing provision at Frank Walsh House.

# 6.4. Equalities / EIA?

EIA was completed in September 2021 to understand implications for service users and informal carers, it is considered that if enacted the proposals would have a positive impact on reducing inequalities/health inequalities through improved support to people with disabilities/mental-ill-health.

Impact on workforce would be minimal as there are no redundancies but for some it is a change in work location which has been discussed with individuals and no further issues raised.

# 6.5. Implications for (or impact on) the environment?

None

# 6.6. Implications for partner organisations?

Statutory and voluntary partner organisations have been engaged on proposals to date. Should the proposals be enacted there would be positive implications for partners including opportunities to deliver their services from Council buildings

## Report author(s):

Name and job title: Tracey Denny Head of Service Localities and Social Care Operations

Directorate: Adult Social Care

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Gerda Dunn	Service Manager Learning Disabilities and Mental Health	Adult Social Care	14/02/2022	16/02/2022
Sally Caren	Head of Social Work- Mental Health and	Adult Social Care	14/02/2022	16/02/2022

	Sustainability			
Lisa Lawson	Adult Services Programme Delivery Manager	Adult Social Care	14/02/2022	16/02/2022
Jon Reading	Head of Commissioning and Quality	Adult Social Care	14/02/2022	18/02/2022
Names of approvers for submission: (officers and members)				
Finance: Ewan Dewar	Finance Manager		14/02/2022	17/02/2022
Legal: Janice White		Law and Governance	14/02/2022	
Director: Pete Fahy	Director of Adult Services and Housing		14/02/2022	02/03/2022
Members: Councillor M Mutton	Cabinet member for Adult Services		03/03/2022	03/03/2022

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# Agenda Item 5



Public report
Cabinet

Cabinet Member for Adult Services

17<sup>th</sup> March 2022

#### Name of Cabinet Member:

Cabinet Member for Adult Services - Councillor M Mutton

#### Director approving submission of the report:

Director of Adult Services and Housing

#### Ward(s) affected:

ΑII

**Title:** Renewal of the Section 75 agreement between Coventry City Council and Coventry and Warwickshire Partnership Trust

### Is this a key decision?

No. Although the matter within the Report can affect all wards in the City, it is not anticipated that the impact will be significant, and it is therefore not deemed to be a key decision

#### **Executive summary:**

This report seeks permission to extend the existing Section 75 Partnership Agreement with Coventry and Warwickshire Partnership Trust (CWPT) for the delivery of integrated mental health services.

The City Council entered into a Section 75 agreement on 1 April 2014 following Cabinet approval initially for a three-year period but with provision for annual extensions. The agreement was extended from 1 April 2017 and for periods since with the latest in 2020 for a period of 24 months. It was anticipated that during this period there were significant development to take forward the NHS 10-year plan but did not take account of the COVD-19 pandemic which has impacted on progress,.

The Section 75 Partnership Agreement provides the legal framework to underpin joint working in Adult and Older People's Mental Health Services. Under this framework, joint Health and Social Care teams deliver mental health services from a single line management structure led by CWPT with designated Council staff seconded, and the delegation of specific social care duties, namely the Care Act 2014. Although the service delivery elements are integrated the financial responsibilities for health and social care remain separate with this separation to continue under the extended agreement.

Coventry City Council (CCC), Warwickshire County Council (WCC) and CWPT remain committed to integrated working practices as a means for delivering joined up support to people with mental ill health across Coventry and Warwickshire, the S75 agreement continues to provide a suitable

vehicle through which to deliver this and to meet the national expectations for integrated care provisions.

There have been various reviews throughout the period of the agreements but one most recently conducted involved all three partner agencies and much of the feedback from the reflected the positive output of the previous reviews. It highlighted the challenges that are created from differences of approach across organisational, geographical, and professional boundaries. Coventry and Warwickshire are not unique in this regard, and many other Section 75 Partnerships across the country have been disbanded through not being able to adequately address these issues.

The S75 Strategic Board have carefully considered the output from the review, and options for continuation of the partnership and have concluded that for users of community mental health services, the benefits of integration continue to outweigh the alternative of services separated by location, design and purpose. This review supported the options appraisal previously conducted by Adult Social Care on behalf of Coventry City Council.

As system partners, the formation of Integrated Care Boards later in 2022 will place further obligation on our organisations to work more closely together, rather than less. The Coventry and Warwickshire S75 Partnership has been recognised by other national stakeholders for its tenacity and commitment to making these arrangements work and is seen as one of the few areas nationally where the partnership is undergoing continuous improvement. It is within this context that all partners wish to share their vision to continue to build on the positive relationships that exist, acknowledging the challenges, whilst learning from past experiences to create a partnership which other areas look to for best practice.

System partners agree that the arrangements need to evolve and as such the arrangement will be subject to review and revision on an ongoing basis. This has been it's strength to date and the S75 Board has been reinvigorated with new assurance arrangements in place to enable this to happen.

#### Recommendations:

All three partners are recommending that:

- a) Approval of the Partnership Agreements for a further 3 years. The renewal to take effect from 1 April 2022 for the provision of integrated community mental health and social care services, with a 6-month notice period Cabinet Member is asked to approve the agreement between Coventry City Council and Coventry and Warwickshire Partnership Trust.
- b) Endorse the proposal that the existing documentation will be carried forward, with minimal updating for factual accuracy, on the understanding that the Agreements and associated schedules will be reviewed in depth within Year 1 of the next partnership cycle to ensure that they are fit-for-purpose for current and anticipated future requirements.

On that basis the Cabinet Member is recommended to approve a further extension of the S75 agreement between Coventry City Council and Coventry and Warwickshire Partnership Trust for a period of 3 years from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2025

#### **List of Appendices included:**

The following appendices are attached to the report:

Council delegated functions under the S75 agreement Summary of findings from the review in Oct 2021

# **Background Papers**

None

### Other useful documents

None

Has it or will it be considered by scrutiny? No- decision is delegated to Cabinet Member for Adult Social Care

Has it or will it be considered by any other council committee, advisory panel or other body?

Will this report go to Council?

# Report title: Renewing the Section 75 Partnership Agreement for Mental Health Services

# 1. Context (or background)

- 1.1. The Section 75 Partnership Agreement between Coventry City Council and the Coventry and Warwickshire Partnership NHS Trust (CWPT) provides the legal framework to underpin joint working in Adult and Older People's Mental Health Services.
- 1.2. The City Council entering into these arrangements was approved by Cabinet in March 2014 with the Section 75 Partnership Agreement commencing on 1 April 2014 initially for a three year term with provision for annual extensions. This is the 3rd extension of this agreement.
- 1.3. Under the agreement, joint Health and Social Care teams deliver mental health services through a single line management structure led by CWPT with designated Council staff seconded, and the delegation of specific social care duties to CWPT (delegated responsibilities are specified in Appendix A). Under the arrangements seconded staff are managed by CWPT and social care functions for delivery of the Care Act 2014 are delivered from integrated teams managed by CWPT. Staffing and service delivery arrangements are integrated which enable mental health services to be delivered through clinical pathways supported through trusted assessment practices. Although the service delivery elements are integrated the financial responsibilities for health and social care remain separate with this separation to continue under the extended agreement.
- 1.4. Warwickshire County Council also has a Section 75 Partnership Agreement in place with CWPT which also expires on 31 March 2022. There continues to be significant levels of collaboration between the Trust and both Councils (Warwickshire and Coventry) over the review of both Section 75 Partnership Agreements in order to deliver consistency across Coventry and Warwickshire. The review was able to address individual aspects of delivery as it impacted on each Local Authority.
- 1.5. In October 2021, a review of the current partnership was undertaken with assistance from external consultancy, *MoJo*. The purpose of the review was to inform the proposed continuation of the S75 Agreements from April 2022 and consider the future Operating Model for the partnership. The review provided an independent assessment of how the partnership is delivered from the perspectives of staff at all levels working within the integrated teams. A summary of the output from the review is provided at Appendix 2. Recommendations from the review broadly covered issues such as policy and procedure, HR and workforce, systems and information, and communication.
- 1.6. Much of the feedback from this latest review reflected the output from previous S75 reviews, and highlighted the challenges that are created from differences of approach across organisational, geographical, and professional boundaries. Coventry and Warwickshire are not unique in this regard, and many other Section 75 Partnerships across the country have been disbanded through not being able to adequately address these issues.
- 1.7. The S75 Strategic Board have carefully considered the output from the review, and options for continuation of the partnership and have concluded that for users of community mental health services, the benefits of integration continue to outweigh the alternative of services separated by location, design and purpose. As system partners, the formation of Integrated Care Boards later in 2022 will place further obligation on our organisations to work more closely together, rather than less. The Coventry and Warwickshire S75 Partnership has been recognised by other national stakeholders for its tenacity and commitment to making these arrangements work and is seen as one of the few areas nationally where the partnership is undergoing continuous improvement.
- 1.8. Delivery of care through integrated working and the development of joint interventions continues to assist in the delivery of the Council's objectives and priorities and broader objectives across the Pagaigo The focus is very much on the delivery of better outcomes for individuals, reducing admissions to hospital through early intervention and a focus on prevention and community based interventions to support individuals in developing strategies to maintain their health. The integrated

approach has resulted in additional posts funded by NHSE for Mental Health in Coventry that are complimentary to the aspirations of the partnership and the renewed focus on mental ill health nationally.

- 1.9. Delivery of the transformation has inevitably had a reduced pace given the COVID-19 pandemic and this was also reflected in the review. It is recognised that there are areas of continued development but in an evolving partnership that operates within a responsive environment this is to be expected.
- 1.10.The 2021 review demonstrated that although much has been achieved to date by the Section 75 Governance Groups to strengthen oversight and management processes, this has not yet been translated into observable change for staff at team level. Staff have reported a need for greater clarity around roles and responsibilities for the different professional groups, along with streamlining of processes to reduce duplication and variation across organisational boundaries. There is more work to do to ensure delegated social care functions are balanced appropriately with health priorities, and additionally, for greater clarity over how the respective responsibilities for health and social care are discharged by the roles present within the teams
- 1.11.The S75 Board have reflected on past performance and considered alternative approaches to ensure that the latest set of review recommendations can be implemented in full. A delivery plan has been prepared for the financial year 2022/23, with clear timelines and allocation of responsibility. It has been agreed that dedicated programme management support will be sourced from all three partners, to give traction to implementing the actions, and to assist in developing the necessary reporting and monitoring infrastructure to keep track of progress. The delivery plan will be overseen by the S75 Strategic Board, to ensure appropriate management of any emerging issues and risks.
- 1.12. The S75 Agreements have existed in their present form for a number of years. As a consequence of the review and planned development work, partners have considered the changes that will be required to the documents to make them fit for purpose for the next three years.

In preparation for the renewal process, the current Agreements have been reviewed and a small number of changes identified. This will include updates to the following sections:

- Strategic Governance Arrangements
- Seconded Employees Schedule
- Safeguarding Schedule
- Performance Schedule
- Audit Schedule

The 2021 S75 Review highlighted that the processes for information sharing contained within the existing S75 Agreements required detailed review, to ensure they reflected the most current legislative GDPR requirements. The introduction of a new Operating Model would also need to be underpinned by clear understanding of information flows so that the appropriate Information Governance arrangements could be formally established and shared. The partners have commenced the development of a single Data Protection Impact Assessment for integrated working in both Coventry and Warwickshire, which will inform future information sharing agreements as required. This work will be referenced in the documents for 2022/23, with updates formally included in the Agreements for 2023/24.

It is anticipated that the remaining content and associated schedules will require significant updating if they are to reflect changes to workforce, staffing structure, and transformation activities that have been undertaken over the life of the current agreements. Furthermore, the implementation of the review recommendations will encompass further communication and engagement with staff groups to develop new ways of working and help co-produce new operating practices. Until this work is complete, it will not be possible to reflect the changes in wording of the S75 Agreements.

- 1.13.To avoid the administrative burden of updating the documents twice within a 12- month period, partners are recommending that:
  - The new 3-year S75 Agreement is signed for 2022/23 incorporating all content of the current Agreements, apart from the small number of factual accuracy changes listed above
  - Any limitations of the Agreements will be clearly articulated in a preface, to ensure the legal application of the document can be preserved until an updated document is published
  - The documentation will undergo comprehensive review during Year 1 (2022/23), with all content being updated in full as the new operating model comes into effect

### 1.14. Services outside of the section 75

There are a number of services outside of the agreement (not delegated to CWPT through the S75) that impact on day-to-day delivery, AMHP is a primary example where capacity and demand needs to be evaluated along with delivery models and in line with workforce development considerations, thereby ensuring the right skill mix within each Team.

#### In response to this:

- Deprivation of Liberty Safeguards are managed via a discreet service overseen by the General Manager for MH Services CCC. A plan exists to prepare and implement the Liberty Protections Safeguards across the City Council functions and a revised implementation date is awaited.
- The Criminal Justice elements of the service is considered separately along with guardianship but nevertheless impacts on the care coordination role along with the revised implications for Transforming Care
- The leadership of AMHP functions has been strengthened through changes in management responsibilities and has enabled the scheduled review of the AMHP function and its impact on the care coordination function. Improvements have been achieved in this service area by siting the City-Wide hub at Caludon facilitated through the s75 arrangements.

#### 2. Options considered and recommended proposal

#### 2.1 Option 1 – Recommended Option

To extend the current S75 partnership agreement with Coventry and Warwickshire Partnership Trust to deliver Integrated Health and Social Care Secondary Mental Health Care Services. This option is consistent with the review outcomes and with the position of Warwickshire County Council and Coventry and Warwickshire Partnership Trust. It secures the 'status quo' whilst much wider consideration is given to the delivery of Mental Health Services across the local economy. This is supported by the options appraisal previously conducted by the Service.

#### 2.2. Option 2 – Not Recommended

The City Council could withdraw from the S75 partnership arrangement and assume responsibility of all relevant local authority functions. In order to undertake such a withdrawal, the local authority would need to be of the view that the partnership arrangement was not delivering the desired outcomes for people that use those services, which is not the case. This is counter intuitive and will not meet national or local focus on the development of integrated service provision.

# 2.3 Option 3 – Not recommended

Enter into a longer term S75 at this point. This is not recommended; all improvements have not been secured via the Transformation Programme although a positive impact for the Local Authorities is already being achieved.

2.4 There is a significant commitment to integration of health and social care services at both a local and national level where this delivers benefits to people that use those services. This is the prevailing agenda for Health and Social Care and a local commitment through the Coventry Health and Well-Being Board and the Integrated Care System. The Section 75 agreement supports delivery of integrated services so withdrawing at this point would be an action counter to this overall

direction of travel.

#### 3. Results of consultation undertaken

3.1 Consultation was carried out with all parties prior to the original section 75 agreement being signed. As this is an extension there are no significant changes to the way people will experience services as a result of the extension of the agreement and therefore no additional consultation has been completed. Key stakeholders were however engaged in work programmes within the Health and Care system.

#### 4 Timetable for implementing this decision

- 4.1 The renewed s75 agreement with Coventry and Warwickshire Partnership Trust will be implemented from 1st April 2022. The agreement stipulates that there will be a Strategic Board in place and that the Board will oversee the delivery of the aspirations of the agreement and performance. In addition to this the Partners have strengthened the S75 Board currently in existence by including Safeguarding Leads and Principle Social Workers and holding monthly meetings to monitor the ongoing improvement work and to ensure the sub-group performance.
- 5 Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

#### 5.1 Financial Implications

This Section 75 agreement does not require any transfer of resources or pooling of budgets between Coventry City Council and Coventry and Warwickshire Partnership Trust.

Resourcing of the service is supported by recharges between the organisations with regard to elements of staffing costs, management costs and administration costs which will continue throughout the life of the agreement.

#### 5.2 Legal Implications

A Section 75 agreement is an agreement made under section 75 of National Health Services Act 2006 between local authorities and an NHS body. Section 75 arrangements can include arrangements for pooling resources and delegating certain NHS and local authority health related functions to the other partners if it would lead to an improvement in the way those functions are exercised.

Arrangements made under this section do not affect the liability of local authorities for the exercise of any other functions or any power or duty to recover charges in respect of services provided in the exercise of any local authority functions

The power to enter into section 75 agreements is conditional on the following:

- The arrangements are likely to lead to an improvement in the way in which those functions are exercised.
- The partners have jointly consulted people likely to be affected by such arrangements

Regulations stipulate that the NHS bodies shall report to the local authorities, both quarterly and annually, on the exercise of the health-related functions which are the subject of the arrangements

# 6 Other implications

6.1 How will this contribute to the achievement of the council's key objectives / corporate priorities (corporate plan / scorecard) / organisational blueprint / LAA (or Coventry SCS)?

Extension of the Section 75 agreement would contribute to a number of the Council's objectives and priorities, including:

Page 23

• citizens living longer, healthier, independent lives

- making Coventry an attractive and enjoyable place to be
- making places and services easily accessible
- encouraging a creative, active and vibrant city
- developing a more equal city with cohesive communities and neighbourhoods

## 6.2 How is risk being managed?

Risks associated with the delivery of the Section 75 agreement are managed through the Section 75 Board and operational governance structures.

### 6.3 What is the impact on the organisation?

Staff employed by the City Council to work in posts associated with the provision of adult mental health services will be seconded to CWPT for the duration of the agreement and all Secondment terms as detailed in Schedule 8 of Section 75 Agreement for Seconded Employees remain in place.

The statutory functions for the Council in relation to meeting its statutory responsibilities under the Care Act 2014 are delegated with the exception of finance.

# 6.4 Equalities / EIA?

As a result of the recommendation being to renew there is no significant change to the current arrangement to require amendments to the existing ECA.

### 6.5 Implications for (or impact on) the environment?

None

### 6.6 Implications for partner organisations?

The continuation of the Section 75 agreement supports the continuance of a partnership between the City Council and CWPT for the delivery of mental health services.

# Report author(s):

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Title Head of Adult Social Care and Support

**Service: Adult Social Care** 

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Enquiries should be directed to the above person

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Andrew Errington	Principle Social Worker	Adult Social Care	21/02/22	22/02/22
Janice White	Team Leader Legal Services	Legal Services	21/02/22	08/03/22
Rob Parkes	Team Leader Legal Services	Legal Services	21/02/22	01/03/22
Claire Angell	HR Business Partner	Human Resources	21/02/22	24/2/22
Names of approvers: (officers and members)				
Finance: Ewan Dewar	Finance Manager	Finance	21/02/22	21/02/22
Director: Pete Fahy	Director of Adult Services and Housing	-	08/03/22	08/03/22
Members: Cllr Mal Mutton	Cabinet Member for Adult Services	-	08/03/22	

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# Appendix 1

Council functions to be delegated to the Trust under the Section 75 Partnership Agreement in relation to Adult Mental Health Services:

Assessment under the Care Act 2014. Including the duty to assess and safeguard vulnerable adults

Arrangements for the Provision of services under the National Assistance Act 1948)

The assessment of Carers and provision of services (Carers Recognition and Services Act 1995 and (Carers and Disabled Children Act 2000)

Assessing the need for, and publishing information about welfare services, provision of certain services, and providing certain information to the Secretary of State; (Chronically Sick and Disabled Persons Act 1970)

Representation and assessment of disabled persons (Disabled Persons (Services Consultations and Representation) Act 1986)

Co-operation in relation to homelessness; (Housing Act 1985, 1996)

Making of Direct Payments (Health and Social Care Act 2001)

Functions relating to community care services and hospital discharge (Community Care (Delayed Discharges etc.) Act 2003)

Co-operation between authorities (Carers (Equal Opportunities) Act 2004)

Instructing Independent Mental Capacity Advocates (Mental Capacity Act 2005)

Assessment and review of after-care services (Mental Health Act 1983)

Provision of Social Circumstances Reports (Mental Health Act 1983)

Operational Delivery of the Section75 Partnership Agreements for integrated mental health services between Warwickshire County Council and the Coventry and Warwickshire Partnership NHS Trust and Coventry City Council and the Coventry and Warwickshire Partnership NHS Trust

#### **Head of Social Care & Support, WCC**

Key responsibilities for S75:

- · Strategic development of MH in adult social care and support services
- · Overall legal responsibility for delivery of adult social care
- Non delegated social care functions
- Adult social care and support budgets
- Local Authority MH Act responsibilities
- Keeping partners informed of organisational changes

# Head of Social Work – Mental Health and Sustainability/ Director Adult Social Care CCC

Key responsibilities for S75:

- Strategic development of MH in adult social care and support services
- · Overall legal responsibility for delivery of adult social care
- · Non delegated social care functions
- · Adult social care and support budgets
- · Local Authority MH Act responsibilities
- Keeping partners informed of organisational changes

# **Director of Operations, CWPT**

Overall responsibility for S75:

- · for delivery of delegated social care functions in partnership with Councils
- Keeping partners informed of organisational changes

# **Associate Director MH, CWPT**

Key responsibilities:

- · Operational delivery of delegated social care functions
- Operational management of seconded staff
- · Compliance of the S75 Agreement & its schedules
- Delivery of progress report to S75 Strategic Board incl. S75 performance scorecard & improvement plans

# Service Manager, MH, WCC

Key MH responsibilities, incl. non-Section 75 [50% time]:

- Governance and performance oversight, including identification and delivery of mitigation plans where needed. (Includes maintenance of appropriate dataset on CareFirst or equivalent system. Ensuring effective delivery of local authority responsibilities for statutory mental health act functions, AMHPs, Guardianship and DoLS/BIA services
- Management of professional leadership for adult social care and required checks and registrations (e.g. HCPC).
- Resource and financial management, MH community care purchasing and staffing budgets.
- Reassurance to Head of SC&S re. service continuity & alignment with ASC standards & direction

### **General Manager- Mental Health Services Coventry City Council**

# Key MH responsibilities,

- Governance and performance oversight, including identification and delivery of mitigation plans where needed.
- Ensuring effective delivery of local authority responsibilities for statutory mental health act functions, AMHPs, Guardianship and DoLS/BIA services

Management of professional leadership for adult social care and required checks and registrations (e.g. HCPC).

- · Resource and financial management, MH community care purchasing and staffing budgets.
- Reassurance to Director re. service continuity & alignment with ASC standards & direction

Appendix 2: Summary of findings from Section 75 Review completed in October 2021

Theme	Recommendation
R1: Training	Systems are put into place to recognise each Partner's core training provision and to confirm a combined set of training requirements for staff covered by S75, to prevent duplication of training activities.
R2: Double Reporting	Practitioners require systems which allow the through-put of information rather than using differing systems. Partners' relevant Information Governance Leads to be consulted on proposals for how information can be better accessed and stored.
R3: Operational Management	Clarity of Job Specifications to be undertaken in partnership with Lead Professionals and managers, to clarify the terms of
R4: Lack of Clarity Regarding Roles and Responsibilities	reference of their specific role and responsibilities.  By using a Venn diagram created during the review, commence a workshop to create a joint understanding of key roles and responsibilities of each profession.
R5: Policies and Procedures	Challenges articulated from all disciplines regarding the use of which policy and procedure is to be used. A survey be sent to managers and a working group to be formed with HR representation from each of the Partners. To create a working document to help guide managers who are using differing Policies and Procedures.
R6: Communications	Unified communications required among partners to reduce potential for conflicting messages e.g., Covid situation, home working. It is recommended that 'Champions' be identified in each area to take a lead in disseminating information and guidance.
R7: Expectations and Action Planning	To ensure staff understand the Section 75 Partnerships, the original training be revisited and refreshed across all Partners. For partners to undertake roadshows to update all staff as to the expectations of the S75 Agreement and their roles within this. For this training to be mandatory on a 12-month basis and a more comprehensive version be included for Induction processes of all new staff regardless of employer.
R8: Pathway for Neurodiversity	Work needs to be undertaken on aligning the Operational Model between the Partners to ensure the correct process is in place to facilitate the right time at the right place with the right professional.
R9: Preventative Approaches and Transfer Protocols	Further work required to improve preventative approaches, so that people with lower-level conditions can access the help and support they require.
R10: Health /Medical Model Bias	Take action to improve the perception of a health / medical bias in the integrated teams, through refresh of terminology, language, and communications.
R11: Previous Recommendations	Ensure that any remaining recommendations from previous reviews not covered by the above are refreshed and actioned as appropriate.



# Agenda Item 6



# Public report Cabinet Member Report

Cabinet Member for Adult Services

17 March, 2022

#### Name of Cabinet Member:

Cabinet Member for Adult Services - Councillor M Mutton

# **Director Approving Submission of the report:**

Director of Law and Governance

# Ward(s) affected:

None

Title:

**Outstanding Issues** 

#### Is this a key decision?

No

#### **Executive Summary:**

In May 2004 the City Council adopted an Outstanding Minutes System linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Elected Members. The appendix attached to the report sets out a table detailing the issues on which further reports have been requested by the Cabinet Member for Adult Services, so that she is aware of them and can monitor progress.

#### Recommendations:

The Cabinet Member for Adult Services is requested to consider the list of outstanding issues and to ask the Member of the Strategic Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

### **List of Appendices included:**

Table of Outstanding Issues

# **Background papers:**

None

### Other useful documents:

None

Has it or will it be considered by Scrutiny?

No

Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

# Report author(s):

# Name and job title:

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	Subject	Date for Further	Responsible Officer	Proposed	Reason for Request
		Consideration		<b>Amendment to Date</b>	to Delay Submission
				for Consideration	of Report
1	Adult Social Care Practice Framework 'Adults and	Date to be	Director of Adult	To be confirmed	
	their Carers at the Heart of Practice'	confirmed	Services		
	Further report providing an update on the new				
	framework approach		Pete Fahy		
	(Minute 3/19 of the Cabinet Member for Adult Services		Andrew Errington		
	refers – 27 <sup>th</sup> June, 2019)				

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