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1<sup>st</sup> April 2014

**Name of Cabinet Member:**

Cabinet Member (Health and Adult Services): Councillor Alison Gingell

**Director Approving Submission of the report:**

Executive Director, People Directorate: Brian Walsh

**Ward(s) affected:**

All

**Title:**

Renewal of the Section 75 Partnership Agreement with Coventry and Warwickshire Partnership NHS Trust for Mental Health Services

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**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

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**Executive Summary:**

This report provides an update to the Cabinet Member on the current progress relating to the renewal of the Section 75 Partnership Agreement with Coventry and Warwickshire Partnership NHS Trust for Mental Health Services.

**Recommendations:**

The Cabinet Member (Health and Adult Services) is recommended to:

1. Approve Coventry City Council entering into a further partnership arrangement to provide Integrated Health and Social Care Secondary Mental Health Care Services in the renewed three year Section 75 Partnership Agreement commencing 1 April 2014.
2. Delegate the responsibility to agree any changes, and make amendments to, particular schedules of the section 75 for the duration of the renewed s75 agreement, should this be required, to the Executive Director, People, in consultation with the Cabinet Member (Health and Adult Services).

**List of Appendices included:**

**Appendix A:** Coventry and Warwickshire Mental Health Section 75 Governance Chart

**Appendix B:** Operational Delivery of the Section 75 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

Copies of the renewed section 75 agreement with Coventry and Warwickshire Partnership Trust for Mental Health Services are available on request from the report author and consists of 159 pages.

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been 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:** Renewal of the Section 75 Partnership Agreement with Coventry and Warwickshire Partnership NHS Trust 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 was put in place to support joint working which provides a more holistic and seamless service to service users and their carers.
- 1.2 It provides a legal framework to underpin the joint working in Adult and Older People's Mental Health Services that had been in place for many years.
- 1.3 Under this framework, joint Health and Social Care teams deliver mental health services from a single line management structure led by the Partnership Trust with the secondment of designated Council staff to the Partnership Trust, and delegation of specific social care duties to the Trust. (See paragraph 5.4 for the delegated functions)
- 1.4 Cabinet approved these arrangements in March 2011 and the Partnership Agreement commenced on 1 April 2011 for a three year term with provision for annual extension.
- 1.5 A Section 75 Partnership Agreement enables seconded staff to be managed by Partnership Trust managers and social care functions to be delivered from integrated teams managed by the Partnership Trust, both with the support of social care professional leads in mental health services.
- 1.6 This particular arrangement keeps Partnership Trust and City Council financial responsibilities for health and social care separate and recommends this to continue.
- 1.7 The Warwickshire Section 75 Partnership Agreement, which was extended for one year, also expires on 31 March 2014. There has been collaboration between the Trust and both Councils over the revisions of both Section 75 Partnership Agreements in order to streamline arrangements and adopt the same refreshed strategic and operational governance arrangements and reporting structures as far as possible. (See appendices A and B).
- 1.8 Community Mental Health Services in the Trust are currently undergoing a transformation process. This will impact on the Section 75 Partnership Agreement, in particular the detail to be contained in Schedule 4 The Integrated Mental Health services; Schedule 7 Seconded Employees, a list of seconded staff showing which teams they are located in, their line managers and team locations; and Schedule 9 The Coventry Mental Health Management and Professional structure. It is anticipated that the transformation process will in the main be completed by the time a renewed Section 75 Partnership Agreement would start on 1 April 2014.
- 1.9 The approval route for a renewed Section 75 Partnership Agreement by the Coventry and Warwickshire Partnership NHS Trust is via report to and decision by the Trust Board on 25 March 2014. The report will recommend that the Trust enter into a further agreed Section 75 Partnership Agreement for three years commencing 1 April 2014.

## **2 Options considered and recommended proposal**

### Options:

- 2.1 The City Council could withdraw from the S75 partnership arrangement and assume responsibility of all the 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. 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.
- 2.2 To agree the renewal of the S75 partnership arrangement with the Coventry and Warwickshire Partnership Trust to deliver Integrated Health and Social Care Secondary Mental Health Care Services. The Coventry S75 Partnership Agreement has been reviewed by the senior management representatives of both the Coventry City Council and the Coventry and Warwickshire Partnership NHS Trust who consider that it is in the best interests of customers of community mental health services to recommend to both organisations that health and social care services should continue to be delivered from integrated mental health teams within a framework of a renewed or new Section 75 Partnership Agreement.
- 2.3 Whilst some authorities nationally have decided to withdraw from s75 agreements, the consensus in Coventry was that the benefits of and commitment to integration could be explored and progressed to a greater extent through renewing the current section 75 agreement.

The recommendation is therefore to enter into a further Section 75 agreement due to the continued benefits this would deliver for people that use mental health services.

### Summary of the scope of the section 75 agreement and main amendments

#### **Strengthening strategic governance of the arrangements**

- Both Coventry City Council and Warwickshire County Council, and the Trust have collaborated to update and strengthen their partnership arrangements under the Coventry Section 75 and the Warwickshire Section 75 ensuring greater alignment in relation to strategic and operational governance and reporting structures (Appendices B and C).
- The Section 75 Strategic Board will provide improved oversight of the joint arrangements and delivery of delegated functions. A joint performance dashboard is now being used by the Section 75 Strategic Board to bring together Health and Social Care key performance indicators and ensure that agreed targets are met and that delegated social care functions are delivered to the satisfaction of the Section 75 Strategic Board. The Section 75 Strategic Board will consider and agree arrangements that effect the Agreement including significant service changes and developments, changes in structure or responsibility, new or changed legal, statutory and policy changes.
- Performance reporting requirements for Council delegated functions have been updated and will be updated further in accordance with statutory requirements when necessary.

## **Updating safeguarding services in accordance with the Section 75**

- The joint safeguarding protocols have been strengthened and updated and the Section 75 Strategic Board will oversee joint audits of safeguarding work to evidence best practice is being adhered to.

## **Streamlining systems and processes in integrated services**

- As far as possible, HR processes in single line managed services have been streamlined to help managers manage single line managed teams. However the seconded Council staff remain employees of Coventry City Council and are subject to their employer's terms and conditions of employment which requires Council policies and processes to be followed. Managers and staff are supported by a revised Schedule 10, Joint Operational and Human Resources protocols, contained in the Section75 Partnership Agreement and are supported by their line managers and the appropriate Human Resources Departments.

### **3 Results of consultation undertaken to date**

- 3.1 Consultation was carried out of all parties prior to the original section 75 agreement being signed. As this is a renewal there are no significant changes to the way people will experience services as a result of the renewal of the agreement.

### **4 Timetable for implementing this decision**

- 4.1 The current s75 agreement expires on the 31st March 2014. The agreement will be signed off by the CWPT board on 25th March 2014.

### **5 Comments from Executive Director, Resources**

- 5.1 Financial implications

The s75 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.

### **6 Legal implications**

- 6.1 A "S75 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.
- 6.2 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
- 6.3 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

## **7 Other implications**

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

- Assessment under the (National Health Service and Community Care Act 1990). 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).

## **8 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

### **8.1 Renewal of the s75 agreement would contribute to a number of the Council's objectives and priorities, including:**

- 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

## **9 How is risk being managed?**

No risks have been identified in terms of this recommendation..

**10 What is the impact on the organisation?**

None

**11 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 EIA.

**12 Implications for (or impact on) the environment**

None

**13 Implications for partner organisations?**

None

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People Directorate

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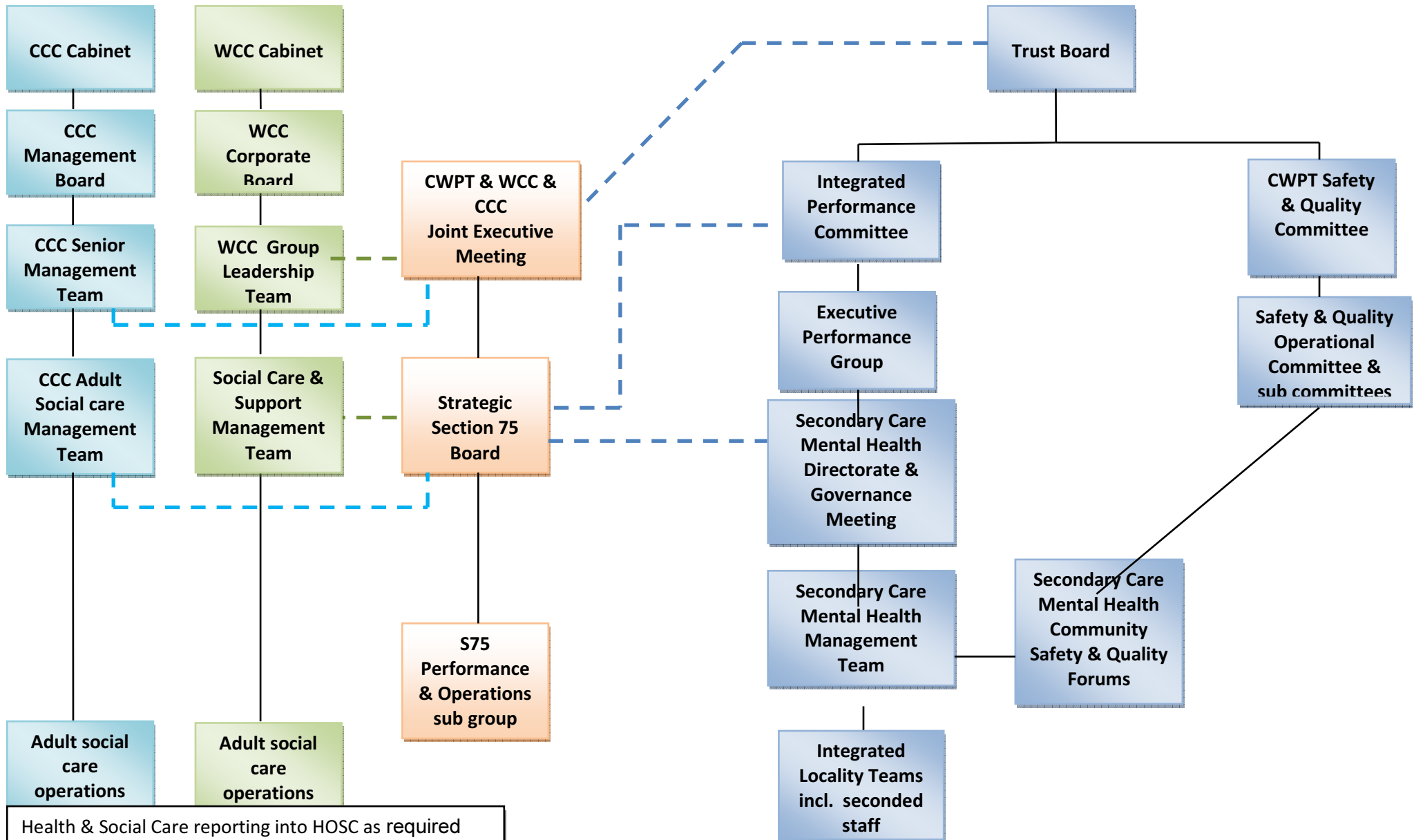
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Director: Brian Walsh	Executive Director	People Directorate	20.03.14	20.03.14
Members: Cllr Alison Gingell	Cabinet Member (Health and Social Care)	People Directorate	20.03.14	21.03.14

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HEALTH AND WELL BEING BOARD



**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**

