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Cabinet Member for Adult Services

6 April 2017

**Name of Cabinet Member:**

Cabinet Member for Adult Services: Councillor F Abbott

**Director Approving Submission of the report:**

Deputy Chief Executive (People)

**Ward(s) affected:**

All

**Title:**

Renewing the S75 Partnership Agreement 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 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. This is the first extension of this agreement to be sought.

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. 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, Warwickshire County Council and CWPT are committed to integrated working practices and consider the S75 agreement to continue to provide a suitable vehicle to deliver this. An extension is proposed at this time but it is recognised that more fundamental changes may be required in years to come. The service remains committed to integrated working practices recognising the positive impact of this in relation to interventions and outcomes that this agreement supports.

In recommending the extension some changes have been made to the Section 75 agreement to improve governance arrangements, safeguarding protocols and systems and processes. The extension is to be agreed by CWPT board in April 2017 but in doing so the agreement of Coventry City Council and Warwickshire County Council is required.

**Recommendations:**

The Cabinet Member for Adult Services is recommended to:

1. Retrospectively approve Coventry City Council renewing the partnership arrangement to provide Integrated Health and Social Care Secondary Mental Health Care Services in the refreshed 12 month Section 75 Partnership Agreement commencing 1 April 2017.
2. Delegate the responsibility for further annual extensions and the implementation of any further changes and amendments to schedules of the section 75, as required to ensure continued operational effectiveness, to the Director of Adult Services

**List of Appendices included:**

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

**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

**Other useful background papers:**

The section 75 agreement with Coventry and Warwickshire Partnership Trust for Mental Health Services are available on request from the report author and consists of 166 pages.

**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:** 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 first 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 the 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 the CWPT and social care functions 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 expired on 31 March 2017. There has been collaboration between the Trust and both Councils (Warwickshire and Coventry) over the revisions of both Section 75 Partnership Agreements in order to deliver consistency across Coventry and Warwickshire. Revisions include adopting the same revised strategic and operational governance arrangements and reporting structures as far as is possible. (Appendices B describes operational delivery responsibilities).
- 1.5 Since the Section 75 agreement commenced on 1 April 2014 there have been some significant changes to mental health services through CWPT's major transformation programme which led to the delivery of services through Intergrated Provider Units.
- 1.6 Coventry City Council, Warwickshire County Council and CWPT are committed to integrated working practices and consider the S75 agreement to continue to provide a suitable vehicle to deliver this. An extension is proposed at this time but it is recognised that more fundamental changes may be required in years to come to ensure mental health services meet the ambition of the Five Year forward view for Mental Health, the requirements of the Sustainability and Transformation Plan, the outcomes described in 'Thrive' the mental health action plan produced by the West Midlands Combined Authority as well as the outcome/recommendations of the 'social work for better mental health' initiative.
- 1.7 Delivery of care through integrated working and the development of joint interventions assists in the delivery of the Council's objectives and priorities and broader objectives across the region as Mental Health is a priority for the West Midlands. The benefits of integrated working practices are well established at national and local levels and the West Midlands Combined Authority Mental Health Commission has developed an action plan with 5 distinct themes. The concordat for action statements recognise the need for us to work together and to deliver this through the work of local Sustainability and Transformation Plan (STP) and action plans developed in relation to the Five Year Forward View.

1.8 This work cuts across other areas of the People Directorate including Public Health, Children's Services. 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.

## **1.9 Amendments to the Section 75 agreement to take effect in the extension**

1.10 In extending the Section 75 agreement the opportunity was taken to review and strengthen some provisions. These are as follows:

### 1.11 Strengthening strategic governance of the arrangements

The Section 75 Strategic Board provides oversight of the joint arrangements and delivery of delegated functions. The ability of the board to undertake this function has been improved through a joint performance dashboard being developed 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.

1.12 The Section 75 Strategic Board will also 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.

1.13 Performance reporting requirements for Council delegated functions have been updated and will be updated further in accordance with statutory requirements when necessary.

### 1.14 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 and take remedial action where appropriate.

### 1.15 Streamlining systems and processes in integrated services

Human Resource processes in single line managed services have been streamlined, as far as is possible, 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 revised Joint Operational and Human Resources protocols, contained in the Section 75 Partnership Agreement and are supported by their line managers and the appropriate Human Resources Departments. Supervision arrangements have been strengthened within the current agreement.

## **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. The Coventry S75 Partnership Agreement has been updated to ensure it remains fit for purpose and to ensure it meets legislative frameworks that have come into place since the original agreement was implemented.

2.2 Whilst some authorities nationally have decided to withdraw from s75 agreements, the consensus in Coventry has been that the benefits of and commitment to integration could be progressed to a greater extent through extending the current section 75 agreement and continuing to work in partnership with CWPT.

2.3 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.

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 the local Sustainability and Transformation Plan and a local commitment through the Coventry Health and Well-Being Board. The Section 75 agreement supports delivery of integrated services so withdrawing at this point would be action counter to this overall direction of travel.

### **3. Results of consultation undertaken**

3.1 Consultation was carried out of 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 is required.

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

4.1 The current section 75 agreement expired on the 31st March 2017. The extension will be agreed at the CWPT board in April 2017 and will take immediate effect thereafter.

### **5. Comments from the Director of Finance and Corporate Services**

5.1 Financial implications

The 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.

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 achievement of the Council's Plan?**

Extension of the Section 75 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

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

Risks associated with the Section 75 agreement are managed through the Section 75 board and operational governance structures.

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

None

### **6.4 Equalities / ECA**

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 continuation of a partnership between the City Council and CWPT for the delivery of mental health services.

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Members: Cllr Faye Abbott	Cabinet Member (Health and Social Care)	People Directorate	10/3/17	15/3/17

This report is published on the council's website:

[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

## **Appendix A**

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

1. Functions under the Care Act 2014, including
  - the duty to assess and arrange services for both service users and carers,
  - the responsibility to offer direct payments as a means of meeting care and support needs
  - the provision of information relating to care and support services.

Whilst the local authority cannot delegate its functions under the Care Act 2014, relating to establishing Safeguarding Adults Boards, making safeguarding enquiries or arranging safeguarding reviews, the s75 agreement includes a requirement for the Trust to undertake safeguarding enquiries where necessary.

2. Co-operation in relation to homelessness; (Housing Act 1996).
3. Instructing Independent Mental Capacity Advocates (Mental Capacity Act 2005).
4. Assessment and review of after-care services (Mental Health Act 1983 and Care Act 2014).
5. Provision of Social Circumstances Reports (Mental Health Act 1983).



## **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**

#### **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