
Cabinet Member for Adult Services

29th March 2018

Name of Cabinet Member:

Cabinet Member for Adult Services: Councillor Abbott

Director Approving Submission of the report:

Deputy Chief Executive (People)

Ward(s) affected:

All

Title:

Renewing the Section 75 Partnership Agreement for Mental Health Services.

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 for a period of 12 months and this report seeks permission for a second extension of this agreement for a further 12 months.

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 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.

Over the period of the previous extension a formal review of the agreement was undertaken. In summary the review has concluded that whilst there are pressures within the services service that need consideration in order to enable staff and managers to deliver the integrated health and social care service and maximise the unique contribution each professional brings it remains the most appropriate way to deliver services in the City

As an outcome of the review it was considered that seeking to continue the S75 arrangements as opposed to dissolving this and returning to single agency arrangements for mental health services was preferable. There were however a number of matters that arose within the review that need to be addressed prior to committing to a new and longer term arrangement. The further 12 month extension enables these changes to be made and then embedded in a revised S75 agreement from 1 April 2019.

Recommendations:

The Cabinet Member for Adult Services is recommended to:

1. Approve that Coventry City Council extends the existing Section 75 partnership arrangement to provide Integrated Health and Social Care Secondary Mental Health Care Services commencing 1 April 2018 for a 12 month period.
2. Approve the progression of the improvement actions identified as a result of the review with a view to, subject to satisfactory progress being made entering into a new S75 agreement from April 2019

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:

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: 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 second 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 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 expires on 31 March 2018. There has been 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 Coventry City Council, Warwickshire County Council and CWPT are committed to integrated working practices and consider the S75 agreement continues to provide a suitable vehicle to deliver this which the review supports. An extension is proposed at this time but it is recognised that more fundamental changes may be required as a result of the improvement work to be undertaken. On that basis it is proposed that a further extension takes place to enable the work to progress.
- 1.6 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 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.

1.7 Previous amendments to the Section 75 agreement which will be carried forward in the extension

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

1.7.2 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 overseen 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 Board.

1.7.3 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.

1.7.4 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.

1.8 The review of the Section 75 Agreement

1.8.1 The review of the Section 75 partnership agreements took place over a period of 4 months. This was a multi-agency review agreed across the 3 partners – Coventry City Council, Coventry and Warwickshire Partnership Trust and Warwickshire County Council. There were 10 objectives of the review which were to:

- Identify the most effective local arrangements for the delivery of Mental Health Services
- To identify current levels of integrated practices and the outcomes delivered through the formal and informal arrangements in place and identify key development opportunities- detailed analysis of the 'as is' position
- Provide an analysis of the current performance frameworks, opportunities for change and make recommendations about future arrangements that are required
- Identify key changes required over the 3 year period 2018 to 2021 to ensure strategic requirements at national and local levels are achieved, including alignment with organisations strategy, Better Care Fund and Five Year Forward View for Mental Health
- Identify key outcome measures that support service delivery and better outcomes for individuals
- Workforce development and flexible approach to supporting 'integrated' roles i.e. AMHP role

- The review would take account of: Better Social Work for Mental Health, Staff consultations, Service user and carer consultations, S75 updates schedules and collaboration with CCG's / Local Health & Social Care economy
- Establish capacity required across the services to deliver integrated care in a seamless way
- Identify opportunities for increased integration
- Provide analysis and recommendations about the leadership roles in delivery of the organisational outcomes

1.8.2 The main outcome of the review is that integrated working remains the preferred option in the delivery of mental health services locally but there are areas where improvements are required. The recommendations will form the basis of a multi-agency improvement plan that will be overseen by the Section 75 Strategic Board. Areas of improvement include but are not restricted to:

1.9 Governance

This includes greater integration with Trust governance processes, strengthening Board membership to include Principal Social Workers and introducing an additional sub-group for Safeguarding

In response to this:

- Principal Social Workers for both Coventry and Warwickshire will be invited to join the Strategic Group as core members. The existing safeguarding groups that exist will come together in one formal sub group chaired by leads in safeguarding. This will be formally included within the S75 agreement from April 2019.
- The Deputy Director of Operations of Acute Services will be invited to be a full member of the Board offering a more rounded perspective of the service offered including the crisis response elements that LA functions such as AMHP currently support

1.10 Performance

This includes updating and revising the current reporting to include the measurement of the outcomes for users of the service and includes qualitative information from case file audits
In response to this:

- Revised outcomes expected as a result of the agreement will be clearly defined enabling all staff to be clear on standards and expectations.
- The operational sub-group will be tasked with identifying the additional performance measures that support the evaluation of outcomes to individuals
- The Performance Group will be extended to Team Leaders and Senior Practitioners across the Health and Social Care provisions included in the S75 to enable greater understanding of expectations, targets and outcomes
- Development of a S75 Risk Register common to all agencies and monitored via the Strategic Board
- Case file audits to be developed as a common tool to understand the quality of the interventions
- Develop proposals that enable an integrated performance dashboard offering a shared narrative of the performance across organisations

1.11 Leadership

There are different approaches in Coventry and Warwickshire that need to be considered and developed to promote the social care agenda alongside updating roles and responsibilities more generally

In response to this:

- CWPT role in the S75 will be strengthened through the inclusion of the Deputy Director Acute Services as a Board Member
- CWPT to review the opportunities for S75 reports at CWPT Board meetings
- Review of leadership roles to ensure that robust management of the service is in place with operational oversight and professional leadership clearly defined
- Recommendations about this function will fall outside of the S75 agreement.

1.12 Services outside of the Section 75

There are a number of services outside of the agreement that impact on day to delivery, AMHP is a primary example where capacity and demand needs to be evaluated along with delivery models. This supports elements of the workforce development that needs to be considered to ensure the right skill mix within each IPU.

In response to this:

- There is an improvement plan already in existence for the management of Deprivation of Liberty Safeguards which is now provided via a discreet service managed by the General Manager for MH Services Coventry City Council.
- The Criminal Justice elements of the service is considered separately along with guardianship but nevertheless impacts on the care coordination role and therefore impact needs to be evaluated.
- It is proposed that the leadership of AMHP functions is strengthened through changes in management responsibilities on an interim basis to support the review of the AMHP function and its impact on the care coordination function.

1.13 The recommendations of the review are being brought together under the umbrella of one improvement plan that will implemented over the period to December 2018 to enable a new Section 75 agreement to be prepared for approval in March 2019. Monitoring the progress of the plan will be undertaken by the Strategic Board. The actions will be prioritised with only those actions with significant impact on the S75 agreements or schedules having precedence in the immediate period.

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.

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.

2.3 Option 3 – Not recommended

Enter into a long term S75 at this point. This is not recommended as the improvements identified through the review should be satisfactorily progressed before committing to further long term arrangements

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. 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 the review.

4. Timetable for implementing this decision

4.1 The current Section 75 agreement expires on the 31 March 2018. The extension will be agreed at the CWPT board in April 2018 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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This report is published on the council's website: 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:

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)

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