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Cabinet Member for Adult Services

27 February 2020

**Name of Cabinet Member:**

Cabinet Member for Adult Services: Councillor Mal Mutton

**Director Approving Submission of the report:**

Deputy Chief Executive (People)

**Ward(s) affected:**

All

**Title:**

Extending the S75 Partnership Agreement for Mental Health Services.

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**Is this a key decision?**

No. Although the matter within the report refers to a city-wide service and therefore, 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. The agreement was extended from 1 April 2017 for a period of 12 months and again in April 2018 and 2019 and this report seeks permission for a further extension of this agreement for an additional 24 months until 31 March 2022.

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, with specific social care duties delegated to CWPT. 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.

The Section 75 provides a vehicle to deliver integrated working practices as a means for delivering joined-up support to people with mental ill health across Coventry and Warwickshire.

Over the period of the previous extensions a review of the agreement was undertaken. In summary, the review concluded that whilst there are pressures within the 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 at

present to deliver mental health services in the City.

In making the recommendation to extend the current arrangement an options appraisal considered a number of key areas under the broad headings of quality, strategic fit and finance.

Should the extension be approved then during this period the longer term demand and capacity issues will be considered for mental health services alongside the expectations of the NHS long term plan in respect of Mental Health services.

To extend the Section 75 agreement, agreement from CWPT will be required and the item will be considered by their board on 26<sup>th</sup> March 2020. It is strongly anticipated that the extension of 24 months will be well received by CWPT Board as it aligns to WCC agreements.

**Recommendations:**

The Cabinet Member for Adult Services is recommended to:

1. Approve extending the existing Section 75 partnership arrangement to provide Integrated Health and Social Care Secondary Mental Health Care Services commencing 1 April 2020 for a 24-month period until 31 March 2022.

**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:** Extending the Section 75 Partnership Agreement for Mental Health Services

**1. Context (or background)**

- 1.1 The Section 75 Partnership Agreement between CCC 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.
- 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. 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 2021. There has been collaboration between CWPT and both Councils over the management of both Section 75 Partnership Agreements in order to deliver consistency across Coventry and Warwickshire. The review was undertaken under a previous extension that was able to address individual aspects of delivery as it impacted on each Local Authority.
- 1.5 As an outcome of the review it was considered that seeking to continue the Section 75 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 needed to be addressed prior to committing to a new and longer-term arrangement. These included:
  - 1.5.1 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. Governance of this has been strengthened with Safeguarding Leads for each organisation sitting on the Board and introduction of operational safeguarding sub group. A monthly Section 75 safeguarding operational meeting is in place across Coventry and Warwickshire.
  - 1.5.2 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. 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. A formal requirement to deliver professional and operational supervision has been introduced with the introduction of case file/quality audits. The most effective line management and leadership arrangements for Council staff will be an area for consideration should the agreement be extended with Council staff being under Council management being an option.

### 1.5.3 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 that brings together Health and Social Care key performance indicators. Revision of this is scheduled for 2020/2021 to identify and incorporate specific outcomes that demonstrate the success of the arrangement and the positive impact on user experience. Progress to date has been impacted on by revisions to the way data is collated within the NHS but these are now resolved enabling this element to progress. For example measures on assessments and reviews, case waiting times and allocation times and qualitative measures including complaints and case audits.

1.6 The above matters identified in the review have been progressed and will be embedded in the extended agreement. The progression of these areas have provided all parties with confidence in the efficacy of extending for two years at this point. The leadership review and the development of an integrated performance board are outstanding actions from the review and these actions will be prioritised with those actions with significant impact on the Section 75 agreements or schedules having precedence in the immediate period.

### 1.7 Services outside of the Section 75

There are a number of services outside of the agreement that impact on day to day delivery and remain the sole responsibility of the local authority due to legal requirements and duties. These include:

1.7.1 The provision of Approved Mental Health Professional (AMHP) is a primary example and management responsibilities in this area has been strengthened which 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 the Caludon Centre and facilitated through the Section 75 arrangements.

1.7.2 Management of the Deprivation of Liberty Safeguards (DOLS) which is a discreet service within Adult Social Care. A plan exists to prepare and implement the Liberty Protections Safeguards which is currently scheduled for October 2020

1.7.3 The Criminal Justice elements of Mental Health services are considered separately along with guardianship.

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

### 2.1 Option 1 – Recommended Option

To extend the current Section 75 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.

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.

### 2.2 Option 2 – Not Recommended

The City Council could withdraw from the Section 75 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 Section 75 at this point. The nature of how health and care is delivered in the City in future years is likely to change as progress is made in implementing the NHS long term plan. Therefore, entering into a longer term Section 75 agreement at this point would fetter our ability to adapt to future changes.

## **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 to the existing Section 75 agreement 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 NHS Long Term Plan work programmes.

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

- 4.1 The current section 75 agreement expires on the 31 March 2020. The extension will be agreed at the CWPT board in 26<sup>th</sup> March 2020 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. Consultation with CCC staff may be required during the period of the extension as a result of options for line management and leadership arrangements for CCC seconded staff being explored.

### **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. Report author(s):

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| <b>Contributor/approver name</b>                                 | <b>Title</b>                               | <b>Directorate or organisation</b> | <b>Date doc sent out</b> | <b>Date response received or approved</b> |
|--|--|------------------------------------|--------------------------|---|
| Louise Ferro   | Service Manager                            | People Directorate                 | 04/02/20                 | 02/01/20                                  |
| Peter Fahy   | Director of Adult Services                 | People Directorate                 | 04/02/20                 | 05/02/20                                  |
| Michelle Rose  | Governance Services Co-ordinator           | Place                              | 04/02/20                 | 13/02/20                                  |
| <b>Names of approvers for submission:</b> (officers and members) |  |                                    |                          |   |
| Finance: Ewan Dewar  | Finance manager- People Directorate        | Place                              | 04/02/20                 | 05/02/20                                  |
| Legal: Julie Newman  | Children and Adults Legal Services Manager | Place                              | 05/02/20                 |   |
| Director: Gail Quinton   | Deputy Chief Executive                     | People Directorate                 | 11/2/20                  | 11/2/20                                   |
| Members: Cllr Mal Mutton   | Cabinet Member for Adult Services          |                                    | 11/2/20                  | 13/2/20                                   |

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:**

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 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