

Cabinet
Council

15th March 2022
22nd March 2022

Name of Cabinet Member:

Cabinet Member for Adult Services – Councillor M Mutton
Cabinet Member for Strategic Finance and Resources – Councillor R Brown

Director approving submission of the report:

Chief Operating Officer (Section 151 Officer)
Director of Adult Services and Housing

Ward(s) affected:

All

Title:

Transforming Mental Health Services

Is this a key decision?

Yes - the proposals involve financial implications in excess of £1m per annum.

Executive summary:

The ambitions set out in the Mental Health Implementation Plan 2019/20–2023/24, remain the foundation for the transformation of local mental health services across the Coventry and Warwickshire footprint.

To support driving that change it is proposed that the Council enter into a partnership agreement with Coventry & Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust. This is a partnership agreement whereby NHS organisations and local authorities contribute an agreed level of resource into a single pot (the pooled budget) that is then used to drive the integration and improvement of existing services.

City Council budgets are not part of this proposed pooling arrangement, with the pooled sums being provided by Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust. The Council will provide officer time and the fulfilment of hosting responsibilities.

Recommendations:

That Cabinet recommend that Council:

- (1) Approve entering into a partnership agreement with Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust to support the transformation of mental health services.
- (2) Approve that the Council is the host for the pooled budget to support the partnership arrangement.
- (3) Delegate authority to the Chief Operating Officer (Section 151 Officer), following consultation with the Director of Law and Governance, to undertake all necessary due diligence to finalise the terms of the partnership arrangement including the authority to enter into all necessary legal agreements and where necessary any contract awards to third parties to bring into effect the recommendations set out in this report.

Council is recommended to:

- (1) Approve entering into a partnership agreement with Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust to support the transformation of mental health services
- (2) Approve that the Council is the host for the pooled budget to support the partnership arrangement.
- (3) Delegate authority to the Chief Operating Officer (Section 151 Officer), following consultation with the Director of Law and Governance, to undertake all necessary due diligence to finalise the terms of the partnership arrangement including the authority to enter into all necessary legal agreements and where necessary any contract awards to third parties to bring into effect the recommendations set out in this report.

List of Appendices included:

None

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?

Yes – 22nd March 2022

Report title: Transforming Mental Health Services

1. Context (or background)

- 1.1. The ambitions set out in the Mental Health Implementation Plan 2019/20–2023/24, remain the foundation for the transformation of local mental health services across the Coventry and Warwickshire footprint. National non-recurrent service development funding has been provided to support the NHS Long Term plan ambitions and additional mental health COVID recovery resources have also been provided to support the transformation of services and recovery from the pandemic. Progress to deliver the ambitions are underway, however the impact of the COVID pandemic has exacerbated difficulties in recruitment and impacted upon the ability of the Voluntary, Community and Social Enterprise (VCSE) sector and other partners to engage, which has delayed progress. Local Authority and Health partners have been reviewing how this work can best be progressed.

2. Options considered and recommended proposal

- 2.1. **Option 1 – Recommended Option:** Enter into a partnership agreement with the Council acting as host.
- 2.2. The pooling of resources and coming together of partners to drive transformation aligns to the One Coventry approach. The partnership agreement will describe the governance and practical management arrangements specifically in relation to any services to be provided using the pooled resources.
- 2.3. The regulations require that one of the partners is nominated as the host of the partnership arrangement and management of the pooled budget and this body is then responsible for the budget's overall accounts and audit.
- 2.4. The agreement will include specific details of any risk sharing arrangements in relation to the elements of the pooled budget.
- 2.5. **Option – 2 – Not recommended:** Do not enter into a partnership agreement.
- 2.6. This option was rejected as it does not provide the most effective way for the partners to come together and drive transformation of services.

3. Results of consultation undertaken

- 3.1. No specific consultation has been carried out in relation to this proposal. Discussions with partner organisations has led to the suggested approach.

4. Timetable for implementing this decision

- 4.1. The pooled budget will be set up at the end of March 2022, with the scheme deliverables expected to span 3 years.

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

5.1. Financial Implications

The pooled budget will be managed in accordance with the partnership agreement.

The value of the pooled budget will be £8m.

The City Council will not be adding any budgets as part of this proposed pooling arrangement, with the pooled sums being provided by Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust from non-recurrent service development funding and mental health covid recovery resources. The Council will provide officer time and the fulfilment of hosting responsibilities to contribute to the proposed pool.

5.2. Legal Implications

Section 75 of the National Health Services Act 2006 allows local authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources. A Section 75 agreement can only be entered into if such arrangements are likely to lead to an improvement in the way functions are exercised. The types of arrangements permitted by Section 75 include:

- The formation of a fund (pooled budget) out of which payments are made towards spending incurred in the exercise of prescribed NHS and prescribed local authority functions
- The exercise by an NHS body of the council's health related functions (and vice versa)
- The provision of staff, goods or services or the making of payments in connection with these arrangements

Regulations made under the Act set out the functions of NHS bodies and local authorities which can be the subject of a Section 75 and which may not.

Where, as here, a pooled fund is to be established, the Section 75 Agreement must specify:

- the agreed aims and outcomes of the pooled fund arrangements
- the contributions to be made to the pooled fund by each of the partners and how those contributions may be varied
- the functions which are the subject of the arrangements
- the persons and the kinds of services likely to be affected by the functions exercised by the partnership
- the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements
- the duration of the arrangements and provision for the review or variation or termination of the arrangements
- how the pooled fund is to be managed and monitored, including which body or authority is to be the host partner

In addition, the Regulations require that the Agreement deals with management of the pooled fund, accounts, auditing, reporting and monitoring. Before entering into a partnership arrangement, the partners should ensure that their obligations to inform and consult interested parties are discharged where appropriate.

Law and Governance colleagues will continue to advise on any specific issues arising from this report to ensure that the Council's involvement being the host of the partnership arrangement is adequately protected including ensuring that any contract awards by the Council to third party organisations comply with the procurement regulations (where applicable) as well as the Council's Contract Procedure Rules.

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)?

Entering into the partnership agreement and taking a One Coventry approach to the delivery of mental health services will support the Council Plan by contributing to the following objectives: Improving the quality of life for Coventry people, Improving health and wellbeing, Protecting our most vulnerable people, Reducing health inequalities and Enabling active communities and empowered citizens.

6.2. How is risk being managed?

The partnership agreement will include specific details of the risk sharing in relation to the individual elements of the programme and financial responsibility for any variation.

6.3. What is the impact on the organisation?

The pooled budget will support further integrated working between the Council and Health partners.

6.4. Equalities / EIA?

Entering into the partnership agreement provides the mechanism for further joint working to support improvements to mental health services across the city.

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

The pooled budget will support further integrated working between the Council, Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust.

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Councillor R Brown	Cabinet Member for Strategic Finance and Resources	-	21/02/22	22/02/22

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