

Committee: Health and Wellbeing Board

Date: 25 March 2014

Wards: All

Subject: Section 75 partnership agreement for mental health services

Lead officer: Simon Williams, Director of Community & Housing

Lead member: Councillor Linda Kirby

Contact officer: Karthiga Sivaneson Commissioning Manager

Recommendations:

- A. That the Health and Wellbeing Board agree the Section 75 agreement and all attached schedules.
 - B. To authorise the Director of Community & Housing to join the Chief Executive of the Trust to oversee the operation of the agreement
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report seeks approval to renew the S75 agreement with SW London and St George's NHS Mental Health Trust and in doing so to pool community mental health staff budgets, bringing together relevant social care and health staff through an agreement made under section 75 of the National Health Service Act 2006. This builds on a broadly successful partnership arrangement first put in place and approved by Cabinet in 2001.
- 1.2 The primary aim of both social care and health in establishing the joint arrangement is to maximise the effectiveness and efficiency of mental health provision, and to provide a seamless service for customers, through the implementation of Section 75 Health Act 2006 flexibilities (Pooled budget and integrated provision) for adults with mental health needs
- 1.3 Alongside the pooled staffing budget, it is also proposed that the Trust continues to manage the third party purchasing budget on the Council's behalf, management being within the budget authorised by the Council and according to the Councils' financial processes and procedures. The Trust has historically kept within this budget. The arrangement aligns clinical/operational decision making with budgetary responsibility.
- 1.4 This review is due to the need to review these arrangements in any case from time to time, but is also because the Trust wishes to bring into alignment similar agreements with other boroughs in SW London.
- 1.4 Fundamentally these agreements are about making better use of resources and providing a seamless service to some of the most vulnerable adults in Merton.

2 DETAILS

- 2.1. South West London and St George's Mental Health Trust ("the Trust") is currently the main provider of mental health services to the residents of five boroughs in South West London: Kingston upon Thames; Merton; Richmond upon Thames; Sutton; Wandsworth. As one of a small number of NHS mental health providers not yet to have achieved Foundation Trust ("FT") status, the Trust is focussing on achieving its FT status
- 2.2. The Trust has been providing the Council with a service under a Section 31 agreement since 2001. The Section 31 was replaced by subsequent legislation now called Section 75 of the NHS Act 2006. The agreement between Social Care and Health needed updating to include clarity on service objectives and targets, the service, resources, staffing, governance and monitoring plus measurement of the partnership successes
- 2.3. There has been a partnership arrangement with the Trust for the last 12 years which has worked effectively. The Trust has managed the Council's social care staff under a secondment arrangement
- 2.4. The Trust is undertaking a review of all their agreements with other boroughs and is renewing their agreements with the boroughs.
- 2.5. The arrangement within the agreement is in essence that:

The Council's social care staff and the Trust's community based staff are managed within integrated teams in the community

These teams are under the management of the Trust, and therefore social care staff receive line management from Trust managers. Where necessary they receive professional supervision and support from the Trust's Associate Director of Social Work

The staff remain Council employees on Council terms and conditions, and are seconded to the Trust under a secondment agreement

There are some other staff funded by the Council for social care purposes who are Trust employees, such as employment support workers.

The Council budget for these staff is put into the Pooled Fund, as is the staffing budget for community based Trust staff

This Pooled Fund is overseen by the Joint Management Board consisting of the Trust Chief Executive and the Director of Community and Housing. It is operationally managed by the Trust Borough Director.

The risk share agreement ensures that financial risk is shared between the partner organisations on a proportionate basis. There is an extra incentive for the fund to stay within budget, in that the first £25k of any underspend is invested non recurrently in local mental health services with an invest to save objective.

Outside the Pooled Fund, but still within the joint governance arrangement, the Trust will manage the social care purchasing budget for care packages. Management of and reporting on expenditure is done entirely according to Council processes and in line with the rest of the social care purchasing budget.

The Joint Management Board will continue the arrangement whereby the Trust and Council have met on a quarterly basis to monitor the performance of the partnership agreement, which includes financial performance, quality standards, the delivery of the statutory service under the 1983 Mental Health Act, and other defined social care outcomes such as personalisation.

2.6. The renewed agreement will continue to deliver good outcomes:

- Enabling holistic assessment, care planning and care delivery within a whole system framework, resulting in greater opportunities for independent living and recovery
- One stop access to mental health services assessment and care management
- Effective care and planning for service users, leading to more appropriate services that will serve the mental health needs of the population of Merton
- The mental health recovery model delivered through health and social care
- Effective support for carers
- Effective use of resources

2.7. The value of Social Care and Health resources transferred under the section 75 will be £1,684m from Social Care and £2,765m from Health. The total of the pooled staff budget will be £4,449m

2.8. The non-pooled 3rd Party Social care Purchasing budget is £1,221m. This budget will be managed by the Trust under a delegated authority from the Council and against an annually agreed plan.

2.9. A total of 113.75 staff will form the integrated service with 33.75 staff seconded from LBM to join 80 staff from the Trust. The split in whole time equivalent under the agreements is 41.15 from Social Care and 78.96 from Health.

2.10. The staff are already co-located and work from bases in Merton and at Springfield Hospital.

3 ALTERNATIVE OPTIONS

3.1. To not have this arrangement and for the Council and the Trust to manage its own staff and budgets. However it is advisable to continue the joint agreement for the reasons given above

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Consultation has taken place with staff affected and the staff broadly support the arrangement. Previous regular consultation with service users shows that they support integrated services.

5 TIMETABLE

- 5.1. It is intended that the Section 75 will be signed by both parties to enable the Trust to operate under the agreement by 1st April 2014.
- 5.2. The agreement was presented to LSG on 24th February 2014
- 5.3. The agreement was presented to Cabinet on 10th March 2014
- 5.4. The agreement is now being presented to the Health & Wellbeing Board on 25th March 2014

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The Council and the Trust staffing budget will be managed via a pooled fund by the Director of Community & Housing and the Chief Executive of the Trust.
- 6.2. The 3rd Party Social Care placement budget will be managed by the Trust under a delegated authority and annual plan with monthly reports.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The joint agreement is under Section 75 of the National Health Service Act 2006.
- 7.2. The use of S75 joint agreements is promoted under the Health and Social Care Act 2012 under which the Health & Wellbeing Board have a duty to encourage more use of alongside their general support for integration

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The above agreement has no direct equalities impact but aims to deliver improved services to vulnerable adults.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. No significant implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The draft agreement includes financial risk sharing terms which officers have scrutinised and will operate within the context of an agreed governance arrangement between the Trust CEO and Director of Community & Housing directly.
- 10.2. There will be regular reporting on finance and information according to a reporting schedule that will be agreed at least annually, the first of which has been prepared so as to capture service performance information but which will also be used to assist in measuring the 'impact' of the partnership upon outcomes for service users.
- 10.3. Service provision risks remain ultimately the legal responsibility of each organisation but with additional responsibilities set out in the draft

agreement, for the Trust, on its day to day management of the service and its duties there to assist the Council and the Trust jointly with preparation for agreement of annual workforce and training plans.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- The S75 agreement

12 BACKGROUND PAPERS

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