

# MENTAL HEALTH SECTION 75 AGREEMENT WITH CENTRAL AND NORTH WEST LONDON NHS FOUNDATION TRUST

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<b>Cabinet Portfolio</b>	Social Services, Housing, Health and Wellbeing
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<b>Papers with report</b>	Appendix 1 - Draft Section 75 Agreement

## HEADLINES

<b>Summary</b>	<p>This report seeks Cabinet approval for the Council to enter into a five-year agreement with the Central and North West London NHS Foundation Trust (CNWL) under section 75 of the National Health Act, 2006. This is intended to support more integrated working arrangements between Council and NHS staff that will improve outcomes for Hillingdon residents living with mental health conditions.</p> <p>The report highlights the key terms and conditions of the agreement. The report is not seeking approval to enter into pooled budget arrangements with CNWL.</p>
<b>Putting our Residents First</b>	<p>This report supports the following Council objectives of: <i>Our People</i>.</p> <p>It contributes to the implementation of Delivery Area 4 (DA4) Hillingdon's Joint Health and Wellbeing Strategy: <i>Improving outcomes for adults and children with mental health and well-being needs</i>.</p>
<b>Financial Cost</b>	<p>The funding to be transferred to CNWL under this agreement is £185.1k per annum, a total of £925.5k for the 5 year agreement.</p>
<b>Relevant Policy Overview Committee</b>	Social Care, Housing and Public Health
<b>Relevant Ward(s)</b>	All wards

## RECOMMENDATIONS

That Cabinet agrees:

1. To enter into a partnership agreement under section 75 of the National Health Service Act, 2006, with the Central and North West London NHS Foundation Trust in order to establish integrated team management arrangements for the period 1st April 2018 to 31st March 2023;
2. To contribute a total of £925k (£185.1k pa) to the funding of posts employed by the Central and North West London NHS Foundation Trust during the term of the agreement;
3. To delegate to the Leader of the Council and the Cabinet Member for Social Services, Housing, Health and Wellbeing with advice from the Corporate Director of Finance and the Corporate Director of Social Care authority to amend the Mental Health section 75 agreement during the term of the agreement where this will benefit residents living with mental health conditions.

### Reasons for recommendations

1. **Partnership agreement** - The proposed agreement is intended to provide the legal basis for combining health and social care staff together into integrated teams with a single management structure with the intention of delivering the following aims:

- To reduce the time people have to wait for assessment and access support and services/treatment for their mental health needs;
- To reduce the number of times individuals and their Carers need to be moved between staff and different teams;
- To change provision and create more flexible options to ensure that people with mental health needs live in the least restrictive and least supported setting necessary to meet their need;
- To ensure that people get the right care, at the right time in the right place.

2. Achieving the above aims requires the delegation of a number of functions and these are summarised as in table 1 below:

Table 1: Delegation of Functions Summary	
Function	Delegation
<ul style="list-style-type: none"> <li>• Day to day management of staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Delegation to CNWL by the Council</li> </ul>
<ul style="list-style-type: none"> <li>• Assessment, re-assessment and review of social care needs under the Care Act 2014.</li> </ul>	<ul style="list-style-type: none"> <li>• Delegation to CNWL by the Council</li> </ul>

<ul style="list-style-type: none"> <li>• Care co-ordination under the Care Programme Approach (CPA).</li> </ul>	<ul style="list-style-type: none"> <li>• Delegation to the Council by CNWL</li> </ul>
<ul style="list-style-type: none"> <li>• Assessment and reassessment of health needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Delegation to the Council by CNWL</li> </ul>
<ul style="list-style-type: none"> <li>• Role of Safeguarding Enquiry Officer.</li> </ul>	<ul style="list-style-type: none"> <li>• Delegation to CNWL by the Council</li> </ul>

3. The integrated teams included within the proposed agreement are:

- Community Mental Health Teams (CMHTs) based at Mead House in Hayes and the Pembroke Centre in Ruislip.
- Early Intervention Service.
- Centralised Approved Mental Health Professional (AMHP).
- Community Rehabilitation Team.
- Addiction Recovery Community (ARCH) Service.
- Employment Support Service.

4. **Financial Contribution to CNWL employed posts** - Table 2 below shows the posts on the CNWL payroll that it is proposed will be funded by the Council.

Table 2: Council Funded CNWL Posts	
Job Group	Team
Social Worker Band 6	Rehab Service
Employment Specialist - 1FTE x Band 5; 0.2 FTE Band 6	CMHT Pembroke Centre
Peer Support Worker / Band 3	CMHT Pembroke Centre
Contribution to Integrated CMHT Manager posts	CMHT North, East & West

5. A key focus of the social worker post employed by CNWL is the completion of Care Act reviews. The current arrangements reflect a legacy situation and were established to address recruitment issues approximately two years ago. These arrangements would be subject to review in the event of the post becoming vacant during the term of the proposed agreement.

6. The employment specialist funding reflects 43% of the cost of the service, the remaining 57% (£64k) of which is provided by CNWL. This service supports people with severe and enduring mental health conditions back into paid employment and is an effective means of supporting recovery from mental illness and preventing relapse.

7. The Peer Support Worker is one of six posts, the other five being funded by CNWL. Post holders are people living with mental health conditions and are, therefore, experts by experience and fulfil an important function in supporting the recovery of residents with mental health needs and also in preventing crises that are avoidable.

8. The Integrated CMHT Manager posts are providing direct day to day line management to the Council's Social Care Team Managers, which includes the allocation of work and it is suggested that it is reasonable for the Council to make a contribution to management costs.

9. **Amendments to the s.75 agreement** - The recommendation enables the Council to be responsive to opportunities to deliver better outcomes for residents that may arise during the period of the s.75 agreement. This recommendation would not prevent the Leader and Cabinet Member from referring any proposed amendment to Cabinet for decision if they considered this to be more appropriate.

### **Alternative options considered / risk management**

10. **Partnership agreement** - Officers have considered the following alternative options available to Cabinet:

- Not agreeing to enter into the agreement with CNWL - The agreement is intended to provide the legal basis for current integrated staffing arrangements. If Cabinet decided not to enter into the agreement it may be necessary to make arrangements to disaggregate the staff teams, which would be counter to the objective of delivering more integrated services to improve outcomes for residents and their experience of care. This is therefore not recommended;
- Approving the agreement for a shorter period - This is not recommended as officers believe that the agreement contains sufficient provision for review and early termination to end it before 2023 should this prove necessary.

11. **Financial Contribution to CNWL employed posts** - Cabinet could decide not to fund all or some of the CNWL posts shown in table 1 above. This is not recommended as it would have a detrimental impact on the delivery of more integrated mental health services and achievements of the aims identified in paragraph 1 above. As explained in paragraph 5, the arrangements for the social worker post would be subject to review in the event of a vacancy arising.

12. **Amendments to the s.75 agreement** - Cabinet could decide that it wants any changes to the s.75 considered by a full meeting of Cabinet. This is not recommended as it increases the workload of Cabinet and reduces the responsiveness of the Council.

### **Policy Overview Committee comments**

13. None at this stage.

## SUPPORTING INFORMATION

### Background

14. The Council and the Central and North West London NHS Foundation Trust (CNWL) entered into a partnership agreement to establish an integrated health social care mental health team under a single management structure in 2006. This was renewed in 2012 and in 2015. The draft 2018 to 2023 agreement that Cabinet is being asked to consider is a refresh that better reflects current and intended practice over the next five years.

### National Strategic Context

15. The National Mental Health Strategy published in 2011 set out six objectives, including improvement in the outcomes, physical health and experience of care of people with mental health problems and a reduction in avoidable harm and stigma. The Five-year Forward View for Mental Health published in 2016 established three key aims to be achieved by 2020/21 and these were:

- a) Delivery of the right care, at the right time and of the right quality;
- b) An approach that integrates mental and physical health; and
- c) Promoting good mental health and preventing poor mental health - helping people lead better lives as equal citizens.

### Local Strategic Context

16. The Agreement should be seen in the context of Delivery Area 4 (DA4) of Hillingdon's Joint Health and Wellbeing Strategy, 2018 - 2021. The strategy is the Hillingdon chapter of the North West London Sustainability and Transformation Plan (STP). In accordance with the Five-year Forward View for Mental Health, the focus of DA4 is improving outcomes for adults and children with mental health needs and a key local priority is to reduce the gap in life expectancy between adults with mental health needs and the rest of the population. The intention is that more integrated working between health and social care will contribute to the delivery of better outcomes for people living with mental health conditions.

### Section 75 Agreement: Key Features

17. This section provides a summary of the key provisions of the proposed agreement, the detail of which is set out in **Appendix 1** of this report. The agreement is based on the premise that the Council and CNWL will progress towards closer integration where this is the appropriate mechanism for delivering better outcomes for residents with mental health needs.

18. **Agreement duration:** The length of the proposed agreement is a matter for Council and CNWL decision, as there are no national requirements. A period of five years is proposed in order to avoid overburdening Cabinet. However, sufficient safeguards are built into the agreement to give both the Council and CNWL the flexibility to respond to changes in the national and local landscape.

19. **Employment arrangements**: No changes of employer are intended by the agreement. This means that people employed by the Council at the start of the agreement will retain this status. The same principle applies with CNWL staff, i.e. staff employed by CNWL at the start of the agreement will remain so for the duration of its term.

20. Staff management responsibilities such as approving annual leave; professional supervision and appraisal; absence management; taking disciplinary action where required; and recruitment will be undertaken by the Council in respect of its employees and by CNWL for its employees.

21. **Risk share**: The agreement requires that each organisation manages its own risks in respect of their respective financial and resource contributions to the services for the duration of the agreement. This also means that liability for any overspends will sit with the partner organisation responsible for the budget in which the overspend has been identified. However, it is intended that the sharing of financial information through the proposed governance arrangements for the s75 agreement (see paragraph 27 below) will provide an opportunity to take a more collaborative, system-wide approach that may in some cases be able to mitigate pressures.

22. **Expenditure against Council budgets**: There is nothing in the agreement intended to give CNWL employees authority to commit expenditure against Council budgets. They may make recommendations about expenditure, e.g. for meeting assessed care needs, but only Council employees will be able to approve the use of resources in accordance with the Scheme of Delegations. Equally, only Council officers will be able to contract on behalf of the Council, once again, in accordance with the Scheme of Delegations.

23. **Premises**: The services included within the agreement will operate from Council owned premises, i.e. Mead House in Hayes and the Pembroke Centre in Ruislip. It is not proposed to charge CNWL for occupation of these premises and the Council will hold the responsibility for repairs and maintenance of both the exterior and interior of these buildings. CNWL equally do not intend to charge the Council for use of office space at the Riverside Centre by AMHPs. They will also retaining the repairing obligations in respect of this building.

24. **Dispute resolution**: There are three components to the dispute resolution process in the proposed agreement and these are:

- *Step 1* - Resolution by ordinary negotiation between the officers with the primary day to day responsibility for the delivery of the agreement. For the Council it is proposed that this is the Assistant Director, Mental Health and Learning Disabilities and for CNWL the Borough Director, Mental Health;
- *Step 2* - Joint consideration by the Council's Corporate Director for Adult, Children and Young People's Services and CNWL's Chief Executive; and
- *Step 3* - Referral to the Centre for Effective Dispute Resolution (CEDR).

25. **Review mechanism**: A provision is included within the agreement that allows for a review and variation during its term in order to respond to changed circumstances.

26. **Early termination**: The agreement contains provision for either partner to terminate the agreement early for no specified reason by giving six months' written notice to the other. The usual requirement in Council contracts is three months' notice but officers are proposing the longer period to reflect the logistical difficulties involved with the disaggregation of services and the importance of this taking place in a planned way to minimise disruption to residents living with mental health conditions.

27. **Governance**: There are three components to the proposed governance arrangements for the mental health s75 agreement and these are:

- ***Strategic Partnership Board***. This will include the Council's Corporate Director Social Care and CNWL's Deputy Chief Executive. It will be supported by the Council's Assistant Director, Mental Health and Learning Disabilities and CNWL's Borough Director, Mental Health. The Board will meet once a year and its key responsibilities will be to review progress in delivering the key aims and objectives of the agreement over the previous year and also set the priorities for the following year. National policy and requirements will be a key influencer determining these priorities. From the Council's perspective priorities will be determined by the strategic direction determined by Cabinet. Priorities will also be influenced by relevant changes to the Joint Health and Wellbeing Strategy agreed by partners at the Health and Wellbeing Board;
- ***Operational Partnership Board***. The key function of this Board is to provide regular oversight of the operation of the agreement and it will meet quarterly for that purpose. Its membership will include the Council's Assistant Director, Mental Health and Learning Disabilities and CNWL's Borough Director, Mental Health as well service manager representatives and those from finance and performance teams. A key function will be monitoring performance against metrics (see table 2 below);
- ***Partnership Liaison Meetings***. Comprising of the Council's Assistant Director, Mental Health and Learning Disabilities and CNWL's Borough Director, Mental Health these monthly meetings are intended to address operational issues that may arise and impact on the delivery of the aims and objectives of the agreement.

## Measuring Impact

28. Table 3 below identifies the eight measures that it has been agreed between the Council and CNWL to determine the effectiveness of the partnership arrangements in the proposed agreement.

Table 3: Partnership Arrangement Performance Measures	
1.	% of Service Users aged 18 + known to secondary mental health services in settled accommodation.

2.	% of Service Users aged 18 + in receipt of a Direct Payment/Personal Health Budget.
3.	% of social care mental health referrals seen within 28 days of referral.
4.	% of mental health referrals seen within 28 days of referral.
5.	% of adults in contact with secondary mental health in paid employment.
6.	Number of delayed days per 100k population attributed to: a) NHS; b) Social Care; and c) Both
7.	% of Care Act reviews undertaken within the statutory timescale.
8.	No of Carers in receipt of a Carer's assessment.
9.	No of Carers in receipt of respite or another Carer's service.

29. The intention is to establish baselines in 2018/19 that will inform target setting for 2019/20 and subsequent years for the duration of the agreement.

### **Financial Implications**

30. By entering into this S75 agreement the Council will be committing to pay £185.1k per annum (£925.5k for the 5 year contract) to CNWL to fund staff employed directly by CNWL. This funding is part of the budget set to provide Mental Health Services and contained within the overall Social Care Budget.

31. It is noted that no other funds will be transferred and the Mental Health Budget will remain under the control of the Council.

## **RESIDENT BENEFIT & CONSULTATION**

### **What will be the effect of the recommendations?**

32. Approval of the recommendations will contribute to the provision of integrated, high quality, safe, cost effective and efficient mental health services that meet local health and social care needs. The service model supported by the agreement is intended to deliver personalised, recovery focused care and choice to residents living with mental health conditions and their Carers and to maximise their independence.

### **Consultation carried out or required**

33. CNWL has been consulted in the drafting of this report.

## CORPORATE CONSIDERATIONS

### Corporate Finance

34. Corporate Finance has reviewed this report, noting that the recommended Section 75 agreement is intended to support integrated working arrangements between the Council and the Central and North West London NHS Foundation Trust (CNWL) in provision of Mental Health Services. This agreement does not create a pooled budget, and annual contributions of £185k are funded within existing Social Care base budgets. Although this initial agreement covers a five year period, a six month break clause is in place to enable early termination or revision if required.

### Legal

35. The Borough Solicitor confirms that the proposed agreement complies with statutory guidance issued by the Secretary of State. There are no legal impediments to the Council entering into this agreement with CNWL.

## BACKGROUND PAPERS

NIL