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Report to Director Adult Social Care for Delegated Decision

Date: September 2012

Subject: Section 75 Agreement for Integrated Mental Health Teams under the National Health Service Act 2006

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report brings forward our intention to have a formal Section 75 Agreement, attached as Appendix 1 to this report, in place between Leeds City Council and Leeds and York Partnership Foundation Trust (LYPFT) with regards to the integration of Adult Social Care's Health Assessment and Care Management Teams with LYPFT Community Health Teams.
2. The adoption of robust legal agreements for joint working ensures a consistency of approach and makes efficient use of officer time from both organisations. It also ensures that we have a co-ordinated approach to the governance of integrated teams overseen by a Partnership Board
3. The agreement follows a clear rationale thereby promoting effective partnership working with the aim of effective and optimum use of resources. This will allow both Health and Social Care to meet the assessed health and social care needs of the citizens of Leeds who are eligible to access secondary mental health provision.

Recommendations

4. The Director of Adult Social Services (DASS) is asked to approve the Section 75 agreement between Leeds City Council and LYPFT for the integration of council Mental Health Assessment and Care Management Teams with LYPFT Community Health Teams.

1 Purpose of This Report

- 1.1 The purpose of the report is to recommend that the DASS approves the partnership arrangements between Adult Social Care and LYPFT under the auspices of Section 75, National Health Service Act 2006.

2 Background Information

- 2.1 Section 75 of the National Health Service Act 2006 provides that health bodies and Local Authority services can pool money and integrate resources and management structures. These powers are intended to support partnership working and result in service improvements through the joining up of existing services or the development of new initiatives.
- 2.2 These agreements can be either pooled budget arrangements commissioner led services or integrated provider agreements. This agreement is in relation to integrated provider arrangements.
- 2.3 In Leeds we have enjoyed an informal partnership arrangement with the provider trust and teams have been co-located in Health bases for a number of years. The implementation of the Section 75 agreement enables us to have a more streamlined approach to meeting the needs of people who are mentally ill on a formal, performance managed basis with a number of key drivers. Significantly for Adult Social Care these will be focussed around an increase in Self Directed Support (SDS) uptake and more robust and enhanced safeguarding of vulnerable adults.

3 Main Issues

- 3.1 This agreement will have the benefit of both organisations being at the forefront of implementing national policy and local guidelines by having a shared strategic and operational vision.
- 3.2 This document has been drafted by Adult Social Care and LYPFT working in co-operation. Both organisations will be counter signatories to the agreement.
- 3.3 The establishment of a Section 75 agreement with LYPFT provides a good practice framework for future working by ensuring a consistent approach across the city and providing stability for this particular service user group at a time of Health and Social Care reform.
- 3.4 This agreement will serve to improve services, maximise efficiencies and deliver more effective and efficient services in order to meet assessed need. The aim of the agreement is to enable both partners to integrate services including staff, resources and management structures to design and deliver products around the needs of clients and carers. This agreement will provide arrangements to eliminate unnecessary gaps and duplications between services thus providing more positive outcomes for clients, carers and the workforce.
- 3.5 The Section 75 agreement clarifies the role and responsibilities of the Director of Adult Social Services and describes in detail the statutory function of Social

Workers and more specifically illustrates the role and function of the Approved Mental Health Professional Service. In addition the agreement clearly describes the core business functions of Health and Social Care within secondary mental health provision.

- 3.6 The governance of the agreement will be overseen by a Partnership Board, co-chaired by the Chief Officer for the Adult Social Care Directorate and the Deputy Chief Executive for the Trust. The board responsibilities are comprehensively set out in the agreement and its business will centre around performance data, financial allocation including pressures and efficiencies. In addition the board will have a clear overview of the risks and benefits on a quarterly basis in relation to both organisations within this agreement.

4 Corporate Considerations

- 4.0.1 We have assessed the Partnership agreements against the 'Advisory note for Directors – Partnerships Governance' tool and can confirm that it meets the requirements stated within.
- 4.0.2 In terms of Elected Members governance and scrutiny, the same procedures will be in force under the Section 75 agreement as apply now. The Director of Adult Social Services will continue to remain statutorily responsible for the Assessment and Care Management Mental Health function and therefore it sits within the constitution of the Council as it stands. Following the first year of the agreement should changes be made to the delegation of responsibility, the DASS and the Council still remain accountable for the social care element of the Mental Health service as outlined in the partnership agreement.
- 4.0.3 Colleagues in Internal Audit have confirmed that they are satisfied that the Section 75 agreement meets their requirements around governance.

4.1 Consultation and Engagement

- 4.1.1 The work of this agreement has been led jointly by Adult Social Care and LYPFT, rigorous reporting procedures have been followed including consultation and communication with the Executive Member for Adult Social Care, Transformation Board, Transformation Project Board, user representative on the Transformation Board, extensive utilisation of the Trust's Transformation Newsletter, Local Authority Trade Unions, NHS Leeds and quarterly Adult Social Care staff sessions.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment was carried out prior to a report to Executive Board in December 2011. For good practice another Screening Assessment has been recently carried out to confirm that there is not any deviation from the work carried out in 2011. This is attached as Appendix 2 to this report.

4.3 Council Policies and City Priorities

- 4.3.1 The direction of integration is in line with current City Council and Adult Social Care priorities and the NHS drivers for Partnership and Change. The Vision for

Leeds 2011-2030 states that 'Leeds will be the best city for Health and Wellbeing, Leeds will be a healthy and caring city for all ages where people are supported by high quality services to live full, active and independent lives'. On a more specific level a formal approach to partnership agreements will strengthen partnership arrangements, increase the optimum use of resources and will support increased personalisation.

4.3.2 This initiative contributes to National Indicator 142, the percentage of vulnerable people supported to achieve independent living.

4.3.3 This contributes to the City Priority Plan 2015 by supporting people to live safely in their own homes and increases the opportunities for more significant choice and control in relation to health and social care services.

4.3.4 This contributes to the Council Business Plan 2011-2015, Adult Social Care Directorate Priorities and Performance Measures by ensuring more people with poor health remain living at home longer.

4.3.5 This initiative supports adults whose circumstances make them vulnerable to live safe and independent lives.

4.4 Resources and Value for Money

4.4.6 No significant financial risks are forecast, in the first year of this agreement there will be no pooling of budgets therefore the Community Care Budget responsibility will be retained by Adult Social Care. The Section 75 agreement has the flexibility to look at and analyse benefits for further alignment of budgets overseen by the Partnership Board. A focus of the integration is to achieve greater efficiencies and whilst none are forecast for Adult Social Care in the first year of the agreement this will be a priority for years 2 and 3.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The process of formulating this agreement has been undertaken with detailed advice and support from the Council in house legal services team and Beachcrofts (LYPFT lawyers) to ensure full compliance with Section 75 procedures.

4.5.2 The agreement is subject to approval and signoff by the Director of Adult Social Services, Leeds City Council under her powers of Delegated Decision making.

4.5.3 This Section 75 agreement is reported as a significant operational decision and therefore not subject to call-in.

4.6 Risk Management

4.6.1 The risks of not implementing a formal Section 75 agreement are as follows;

- The process of obtaining increased efficiencies across the Health and Social Care Pathways will be affected.

- There will be an increased risk of continued, informal co-location arrangements remaining in place by not having a formal, consistent approach to the integration of teams which may result in tensions across both organisations without a clear strategic direction.

4.6.2 Failure to implement a formal, legal partnership agreement will have a detrimental impact upon the plans to further develop and integrate Health and Social Care Services in Leeds.

4.6.3 As the agreement does not have a stated 'duration' i.e. end date contained within, advice has been sought from legal services as to whether this is acceptable with a Section 75 agreement.

Their advice is that the termination clause at paragraph 17 of the agreement allows for the termination on a number of grounds - default by one party, convenience, force majeure, ultra vires, budgetary reasons and therefore it is robust enough to effectively end the agreement with appropriate notice.

5 Conclusions

5.1 The partnership between the Council and LYPFT is positive and has been successful in delivering some positive outcomes for clients and carers to date. This agreement envisages the possibility of a delegation of statutory functions being transferred in coming years and therefore it is appropriate to use this format. To implement a formal arrangement would strengthen this relationship further and would have the benefit of planning and supporting the future direction of travel and would put Leeds at the forefront of challenging initiatives.

6 Recommendations

6.1 The Director of Adult Social Services (DASS) is asked to approve the Section 75 agreement between Leeds City Council and LYPFT for the integration of council Mental Health Assessment and Care Management Teams with LYPFT Community Health Teams.

7 Background documents¹

None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.