

**ADULT MENTAL HEALTH SECTION 75**

**To: ADULTS COMMITTEE**

**Meeting Date: 20 May 2014**

**From: Executive Director: Children, Families and Adults Services**

**Electoral division(s): All**

**Forward Plan ref: 2014/001                      Key decision: Yes**

**Purpose: To present the draft Agreement under Section 75 of the National Health Services Act 2006 between Cambridgeshire County Council and Cambridgeshire and Peterborough NHS Foundation Trust for the provision of adult and older people's mental health delegated Council services.**

**The draft consists of the Main document which contains the Agreements particulars. The document will be supported by Schedules which will give further detail of the areas covered.**

**Recommendation: The Committee is asked to:**

- a) note the progress on revising the Section 75 Agreement for the provision of adult and older people's mental health delegated services; and**
- b) delegate to the Executive Director: Children, Families and Adults Services authority to approve and sign the final version of the Section 75 Agreement, including all Schedules.**

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## **1.0 BACKGROUND**

1.1 Since 2002, the Council has entered into a number of partnership agreements with the National Health Service, initially using Section 31 of the Health Act 1999. Section 31 was subsequently repealed and replaced by Section 75 of the National Health Service Act 2006. The powers described under Section 75 cover the same three areas as the original Section 31, i.e.:

1. Pooled funds: the ability for partners each to contribute agreed funds to a single pot, to be spent on agreed projects for designated services;
2. Lead commissioning – the partners can agree to delegate commissioning of a service to one lead organisation
3. Integrated provision – the partners can join together their staff, resources and management structure.

Section 75 relates in this Agreement to the fact that it enables NHS bodies to deliver delegated Local Authority functions.

1.2 The Council has had a partnership arrangement with Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) since 2009, whereby the Council delegates its mental health-related social care activity to CPFT. The scope of the Agreement includes:

- Provision of and access to social care services for adults with mental health problems including older people and those transitioning from children's mental health services
- Provision of Mental Health Act Duty and an Approved Mental Health Professional (AMHP) service to complete assessments under the Act.
- Provision of Mental Capacity Act and Deprivation of Liberties
- Temporary protection of property belonging to people in hospital or accommodation provided under Part III of the National Assistance Act 1948; paying the expenses of the officer acting as receiver for a patient; prosecution for failure to maintain a person, giving false statements, and obstructing a person with power of entry and inspection
- Assessment of needs for community care services; including duty to assess under section 47 of the Community Care Act, eligibility as set out in schedule 12, care and support planning, monitoring, review and discharge
- Personal budgets, and direct payments – undertaking of assessments leading to the Council, making payments to individuals for purchasing community care services and financial assessments where appropriate
- Assessment of the ability of carers to provide care
- Identifying the need for, and publishing information about social care services, provision of certain services, and providing certain information to the Secretary of State

- Working with voluntary and community sector organisations including providing financial support subject to the agreement of the Council to enter into such arrangements
  - Cooperation in relation to homeless people and people threatened with homelessness
  - Safeguarding vulnerable adults and the protection of children.
  - The delegation does not include any powers or duties which the Council is not permitted by statute to delegate.
- 1.3 The Council does not delegate its duties to approve a person as an Approved Mental Health Professional under this Section 75 agreement. This statutory duty cannot be delegated.
- 1.4 Over the last 18 months CPFT have significantly redesigned the services they provide and at the same time the Council has been developing its Transforming Lives Strategy, a new strategic approach for Social Work and Social Care for Adults in Cambridgeshire. The Council's new strategy requires a new delivery model for adult social care which will include mental health social care. It will require the role of social workers and those staff delivering social care within CPFT to evolve and change. Therefore it is an opportune time to review and refresh the Section 75 Agreement in order to ensure there is a clear and robust governance structure to oversee the delivery of the Council's delegated duties.

## **2.0 SCOPE OF THE AGREEMENT**

- 2.1 Under the Section 75 Agreement CPFT commits to providing a mental health service which integrates both the health and social care components. This means that CPFT manages the Council's social care leads, seconded social workers, support workers, who work within multi-disciplinary teams and social care administrative staff. This service provides a health and social care assessment and care planning through the Care Programme Approach including meeting the requirements of the NHS and Community Care Act.
- 2.2 To deliver the delegated services for adults and older people there are approximately 76 staff to deliver the delegated services of which 38 are employed by CPFT and 38 are seconded from the Council.
- 2.3 The budget and responsibility for the delegated service sits within the Older People and Mental Health Directorate, within the Council. The total budget for delivering the delegated service is approximately £3.1m of which, based on 2013/14 figures, approximately £1.5m is paid to CPFT under the Section 75 Agreement and includes the funding of CPFT employed staff salaries.
- 2.4 In addition from the total budget and separate to the CPFT the Section 75 funding the Council pays approximately £1.6 in salary costs for the seconded staff. These staff make a substantial contribution to the provision of the service and are managed by CPFT under the Section 75 Agreement but remain employees of the Council.
- 2.5 Access to the social care delegated service is through CPFT's single point of access, the Advice and Referral Centre also known as the ARC. The integrated

teams in CPFT include social workers, community nurses, psychologists, and psychiatrists who help support and provide interventions for a range of mental health needs across Cambridgeshire resulting from mental health conditions such as dementia, schizophrenia or severe depression. The responsibility for assessing the needs of carers' of those with mental health needs is also delivered via CPFT.

- 2.6 Under the agreement CPFT ensures that individuals receive appropriate assessment for eligibility and access to social care packages to help them live independently in the community. During 2013/14 the Social Care leads working with the integrated teams managed care packages for average of just under 500 people a month.
- 2.7 Another significant statutory duty is to provide Approved Mental Health Professionals (AMHP) service and all other requirements of the Mental Health Act other than the approval of Approved Mental Health Professionals under section 114 of the Act. This service responds to requests for a Mental Health Act assessment, which if deemed to meet the requirements, may lead to the AMHP making an application for the detention to hospital of a person under a section of the Mental Health Act. CPFT responsibilities include ensuring adequate and appropriate supervision and maintenance of AMHP standards of practice and approval. However the Council retains the duty for approval of AMHPs as this cannot be delegated and responsibility for this sits with the Head of Mental Health within the Older People and Mental Health Directorate. .
- 2.8 Not all of the Council's Mental Health services are included within the scope of the Section 75. The Older People's Services and Mental Health Directorate has a Mental Health Commissioning Manager who reports to the Head of Mental Health and commissions a range of services in the third sector. These include:
- Supported living
  - Day care
  - Advocacy
  - Home and community support
  - Access to work services

### **3.0 MAIN ISSUES**

- 3.1 In preparation for the review of the Section 75, the Council and CPFT have jointly reviewed the existing Section 75 partnership, it is considered that the current partnership arrangements are functioning well. However revising this agreement provides the opportunity for capturing improvements explicitly within the document and signposting future developments such as the development and implementation of the Councils Transforming Lives Strategy. These improvements include:
- a revised leadership structure, including the establishment of a social care role at Director level within CPFT
  - the inclusion of older peoples mental health into the social care leads' responsibilities to ensure seamless transitions and equality of services

- closer collaborative working between CPFT and CCC evidenced through the establishment of the joint governance process
- improved social care performance management and reporting systems within CPFT.

#### **4.0 FINALISING THE SECTION 75 AGREEMENT**

- 4.1 The main body of the draft Section 75 Agreement is attached at Appendix A. This sets out the particulars of the agreement including the obligations of each partner; and the governance process. It is intended that there will be 13 schedules supporting this document which will give further detail in each area.
- 4.2 Officers have been meeting regularly to finalise the details and Schedules which have been agreed in principle and legal advice has been sought and taken into account. These Schedules include financial arrangements and performance targets. The financial arrangements agreed will be within the budget allocated to the delegated Services in the current Business Plan under the responsibility of the Older People and Mental Health directorate; and performance targets will remain at least as ambitious as those contained within current performance monitoring.

#### **5.0 ALIGNMENT WITH CORPORATE PRIORITIES**

##### **5.1 Developing the local economy for the benefit of all**

There are no significant implications for this priority.

##### **5.2 Helping people live healthy and independent lives**

The report above sets out the implications for this priority in section 2.

##### **5.3 Supporting and protecting vulnerable people**

The report above sets out the implications for this priority in section 2.

#### **6.0 SIGNIFICANT IMPLICATIONS**

##### **6.1 Resource Implications**

Based on the figures for 2013/14 the financial value of the Section 75 Agreement is approximately £1.5m. Within the Council Business plan there is a savings target of £120,000 from the Section 75 budget for the year 2014/15 which CPFT report they will achieve. A further savings target of £400,000 is set against the Council's spend on mental health packages of care for 2014/15, the achievement of this will be through the actions taken by the delegated service. The Council's current overall net budget for adults and older peoples mental health is £16m for 2014/15.

##### **6.2 Statutory, Risk and Legal Implications**

There are no significant implications within this category.

### 6.3 **Equality and Diversity Implications**

There are no significant implications within this category.

### 6.4 **Engagement and Consultation Implications**

Under the Section 75 Agreement CPFT commit to comply with all statutory responsibilities to engage and consult with service users, carers and the public under NHS and Local Authority Regulations. Further detail of service user involvement and participation in their care and the service delivery is detailed in a supporting schedule containing the service specification.

### 6.5 **Public Health Implications**

Provision of adult and older people's mental health services support improvement of health for particularly vulnerable groups in Cambridgeshire.

<b>Source Documents</b>	<b>Location</b>
Draft Section 75 Agreement	Attached as Appendix A