



## Health Select Committee

9 December 2009

### Report from the Director of Housing & Community Care

For Action

Wards Affected: ALL

## BRENT MENTAL HEALTH SERVICE SECTION 75 PARTNERSHIP REVIEW

### 1.0 Proposal

To create a Section 75 partnership agreement between Brent Council and CNWL NHS Foundation Trust, expanding and replacing on the existing S31 agreement.

### 2.0 Recommendations

2.1 To note and comment on the report

### 3.0 Detail

#### ***Legislative and policy framework***

- 3.1 Section 31 of the Health Act 1999 introduced powers to enable closer and more effective working arrangements between health and local authority partners.
- 3.2 The Health Act was repealed and replaced by the National Health Service Act 2006: S31 flexibilities are now governed by Section 75 of this Act.
- 3.3 The Government White Paper 'Our Health , Our Choice, Our Say' sets out a five year plan for Health and Social Care, and reaffirms Government commitment to developing integrated Health and Social Care partnerships to support the delivery of this agenda. Mental Health Act 2009 created new arrangements and duties for the local authorities.
- 3.4 The plan to strengthen the existing partnership arrangement is also in line with the move of local authorities away from the traditional provider role to that of

commissioning services. "Putting People First" guidance from DH December 2007, sets the policy for personalising social care and health services. World Class Commissioning guidance from DH December 2007 set a clear agenda of strategic commissioning for PCT's based on quality and value for money.

### ***Brent Mental Health Service [BMHS] existing partnership agreement***

- 3.5 In 2001 a Section 31 partnership agreement was established between the London Borough of Brent and the then Central & North West London Mental Health NHS Trust (now CNWL NHS Foundation Trust), establishing arrangements for partnership working in Brent Mental Health Service. The essential components of these arrangements were:

- Establishment of a limited pooled budget
- Agreement that London Borough of Brent employees would be managed on behalf of the Local Authority by BMHS managers, themselves Trust employees. However Local Authority staff would remain employees of the LBB, and LBB procedures would continue to apply to them.

The S31 agreement was reviewed and renewed in 2004, 2007 and 2008.

### ***Rational for the current review***

#### 3.6 Benefits of existing agreement

(i). Improved experience for mental health service users, by streamlining processes, including:

- Establishment of a single point of referral
- Shared referral criteria
- Single multi-disciplinary assessment
- Single case files
- Greater transparency for service users and continuous improvements in service delivery

(ii). Improved performance:

- Integrated multi-disciplinary workforce benefiting from joint supervision and appraisal procedures and integrated training plan, resulting in successive IIP Accreditation: in 2009 Brent Mental Health Service received the Silver IIP award.
- Pooled management posts under CNWL giving greater ownership, control and flexibility
- The majority of National Service Framework targets for mental health have been met through the Local Implementation Team
- Performed well in the key health and social care performance indicators, e.g. assessment waiting times, delayed discharges, number of adults helped to live at home

- Undergone a number of successful reviews, e.g. SP review of supported housing accommodation and management, Health Care Commission reviews of CMHTs and Inpatient services

### ***Limitations***

- 3.8 There are changes envisaged from the PCT lead mental review and the joint commissioning strategy for mental health, 2010 – 2014 which will be better shared through clear relationship of the Council as commissioner and CNWL as a provider partner.
- 3.9 Current arrangements present significant barriers to effective 'joined up' service delivery. Managers need to adhere to two sets of policies, systems and processes; while inconsistencies between the two organisations can prove both confusing and divisive to staff and service users. For example, managers have to relate to separate HR services for both organisations with different policies and process; operational budgets are managed separately through CNWL and Brent Council's financial accounting systems, requiring managers to relate to two sets of organisational budgets, payroll, accounting and finance services
- 3.10 Resources have to be diverted from service delivery to managing the demands of two organisations: this is neither cost effective nor conducive to positive experiences and outcomes for service users.
- 3.11 The professional governance, training and regulation has been met so far, but the new framework would have this on a clear formal and accountable basis that safeguards the Council's statutory duties.

### ***Vision***

- 3.12 Of a fully integrated service, building on the developments of the past eight years, able to deliver our shared priorities for both health and social care outcomes. This will provide an integrated mental health and social care service, which will further streamline services for service users and increase efficiency. It will successfully meet performance targets and provide value for money. There will be sound processes for financial management of a single budget, one integrated IT system, with staff managed consistently and accountable via a single management structure, whilst securing professional governance on an acceptable basis.

### ***Scope***

- 3.12 Our objective is to transfer in due course all Local Authority staff, functions and operational budgets within Brent Mental Health Service to the Trust.
- 3.13 We aim to implement this project by the end of the current financial year, and to have a Section 75 partnership agreement agreed and signed by all partners by 31 March 2010 and operational by 30 June 2010.

- 3.14 Stage 1 will cover the transfer of all Local Authority staff, functions and operational budgets within to the Trust. This comprises social workers, support workers and administrators.
- 3.15 To ensure robust arrangements for Social Care Governance, including monitoring the Approved Mental Health Practitioner function, we propose that the Lead Social Worker remain employed by the local authority, reporting to the Assistant Director of Housing and Community Care.

### ***Progress to date***

- 3.16 A Project Board has been appointed to steer the Project. This comprises:
- Director of Operations, CNWL NHS Foundation Trust
  - Assistant Director of Housing and Community Care, LB Brent
  - Service Director, BMHS
  - Deputy Director of Finance, CNWL
  - Assistant Director [Finance], Housing and Community Care, LB Brent
  - Deputy Director of Commissioning, NHS Brent
- 3.17 A Project Manager has been appointed, leading a Project Team comprising senior staff from the Trust and the Council from HR, Finance, Legal and IT Departments. These senior staff lead the following work streams: Human Resources, Finance, IT, Estates and Policies.
- 3.18 A Project Plan has been produced scoping the tasks of the work streams.
- 3.19 An options appraisal outlining the options for transfer of staff has been commissioned and is close to completion. Once a preferred option has been identified a process of consultation with staff and Trades Unions will commence.
- 3.20 The finance work stream has commenced the process of verifying the operational budgets to be transferred.

## **4.0 Financial Implications**

- 4.1 None

## **5.0 Legal Implications**

- 5.1 None

## **6.0 Diversity Implications**

- 6.1 None

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 None

## **Background Papers**

### **Contact Officers**

Keith Skerman  
Interim Assistant Director Community Care  
Mahatma Gandhi House  
34 Wembley Hill Road, Wembley HA9 8AD tel: 0208937 4230

David Dunkley  
Head of Brent Mental Health Services  
13-15 Brondesbury Road, London NW6 6BX tel: 020 937 4297