



**Executive
15 March 2010**

**Report from the Director of
Housing and Community Care**

Wards affected:
ALL

**Extensions to Section 75 Partnership Agreement in respect
of Brent Mental Health Service**

Forward Plan Ref: H&CC-09/10-28

1 SUMMARY

- 1.1 This report recommends an extension to the Council's existing partnership agreement with Central and North West London Mental Health NHS Foundation Trust for up to 9 months from 1 April 2010.
- 1.2 This report also sets out the work in progress to put in place a new agreement within the next year for the services involved under recent legislation in line with the previous Executive decision 18 March 2008. A dedicated project is in place to deliver the recommendations for a new long term agreement within the next 6 months for consideration by the Trust Board and the Council Executive.

2.0 Recommendations:

- 2.1 That the Executive approve the temporary extension of the existing partnership agreement with the Central and North West London Mental Health Foundation NHS Trust for a period of up to 9 months from 1 April 2010.
- 2.2 That the Executive delegates authority to the Director of Housing and Community Care, in consultation with the Director of Finance and Corporate Resources to resolve any outstanding issues with Central and North West London Mental Health Foundation NHS Trust prior to entering into the extension period detailed in paragraph 2.1.
- 2.3 That the Executive note progress in the fundamental review of the partnership arrangements with Central and North West London Mental

Health Foundation NHS Trust and the intention of the Director of Housing and Community Care to report on the proposed replacement partnership agreement by 31 September 2010.

3.0 Detail

- 3.1. Brent Mental Health Service (“BMHS”) was established in April 2001, bringing together the mental health services previously provided by Brent Council and Central and North West London Mental Health NHS Trust under a formal partnership agreement. The Council’s current partnership agreement with Central and North West London Mental Health Foundation NHS Trust (“CNWL”) commenced in February 2004. Since that time it has been extended for one year in March 2007 and then for a two year period in March 2008. The current partnership arrangement expires on 31 March 2010.
- 3.2. As reported to the Executive in March 2008, there has been a need to fundamentally review partnership arrangements with CNWL with a view to developing further integration through the use of the flexibilities permitted by s75 National Health Service Act 2006. There now needs to be a long term agreement put in place. Offices have established since September 2009 a project to examine options for a future agreement. The preparations for a new agreement are in progress, including work on estates and property, staffing, and governance. A clear timescale for completion of this work is in place with reports and recommendations for the CNWL Trust Board and this Executive due for completion by July 2010.
- 3.3. The current partnership agreement is for the delivery of mental health services for adults over 18 years of age. There is an established model of integrated management by CNWL of the Brent Mental Health Service with Council employees operating in the Community Mental Health Teams for adults, and one for older people (social workers), and the Community Networks supplying day and support services.
- 3.4. The main objectives for a new agreement would be: a secure long term framework for improving the service; securing efficient and effective management through further integration of the service delivery; securing appropriate governance for the professional staff, and the delegation of statutory duties by the Council to the CNWL. Most councils have similar agreements with NHS Trusts in place for integrated adult mental health services and for the councils to exercise a mainly commissioning role with the retention of the purchasing of services budget responsibilities.
- 3.5. Progress in discussions with CNWL has been positive and the staff employed by the Council and working within these services are being consulted upon the options under consideration.

- 3.6. At the time of the last extension to the agreement in 2008, the mental health services to older people were considered suitable for consideration within the proposed new agreement. Since then the Council and the CNWL have put in place a Community Mental Health Team for older people with 3 full time social care posts in the integrated unit. It is proposed that this service will be included in the new agreement as it is viewed as a key element in an overall service without age discrimination that needs to be achieved.
- 3.7 Performance under the existing agreement has been good overall. The CNWL has achieved high numbers of people on direct payments in the last two years, the redesign of day services geared to person centred outcomes, and is making good progress towards the reduction of those in residential placements. Therefore the development of the integrated model of service under a new agreement is in the Council's interests and supports the Transforming Adult Social Care agenda.
- 3.8 Whilst there has been good progress in preparing for a new partnership agreement with CNWL, these discussions are not likely to be concluded until July. As the existing partnership arrangement expires on 31 March 2010, there is a need to extend the existing arrangements pending obtaining Executive approval to enter into a further partnership agreement. Approval is sought to extend the exiting arrangements for up to a further 9 months. Whilst it is considered that any the new partnership agreement is likely to be able to commence within this period, an extension of up to 9 months is sought in case any unexpected difficulties are encountered. Delegated authority is also sought to enable the Director of Housing and Community Care to resolve any outstanding issues with CNWL prior to entering into any extension.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Mental Health funding is pooled with the Council contributing £457,673 and NHS Brent £1,067,903 in 2009. These figures will be adjusted for 2010 in line with the previous agreement.
- 4.2 The new agreement will be subject to separate financial agreement, but will have to reflect the current financial situation that all local authorities are currently subjected to.
- 4.3 Any new agreement would also be conditional on all outstanding financial liabilities of CNWLFT to the council being honoured.

5.0 LEGAL IMPLICATION

- 5.1 The National Health Services Act 2006 ("NHS Act") requires local authorities and NHS bodies to work together to improve health and

social care and Section 75 of the NHS Act provides for flexible funding and working arrangements to be established to facilitate this.

- 5.2 The Mental Health Partnership Agreement entered into by the Council provides that the agreement will subsist until 31 March 2007 unless determined earlier or extended by agreement between the parties. As detailed in paragraph 3.1, the partnership agreement has been extended through renewals, to expire on 31 March 2010.
- 5.3 Standing Order 85 deals with partnership arrangements and provides that any Partnership Arrangement which includes delegation of powers shall be approved by the Executive. As the partnership agreement with CNWL involves the delegation of powers to CNWL, there is a requirement for the Executive to approve any extension.
- 5.4 As there are ongoing discussions with CNWL as the any changes in the partnership agreement during the extension period, authority is sought to delegate powers to the Director of Housing and Community Care to resolve outstanding issues. Regulation 6.1 requires the Director of Finance and Corporate Resources approval to partnership arrangement and therefore the Director of Housing and Community Care will liaise with him prior to extending the partnership agreement.

Background Papers

References:

Putting People First: DH policy December 2007

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