



**Executive
18 October 2010**

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

Wards Affected:
ALL

**Section 75 Partnership Agreement – Brent Mental Health
Service – Five Year Extension**

1.0 Summary

- 1.1 This report updates Members as to discussions with Central and North West London NHS Foundation Trust with regard to a proposed fundamental review of partnership arrangements and recommends a further 5 year extension to the current partnership arrangement between the Council and Central and North West London NHS Foundation from 1 January 2011. This proposed extension to the partnership agreement includes a Break Clause enabling either party to terminate should there be any unforeseen changes in NHS structures. It also recommends amending the existing partnership agreement to incorporate mental health services for older people.

2.0 Recommendations

- 2.1 That the Executive agree an extension of the existing partnership arrangement with Central and North West London NHS Foundation Trust for a period of 5 years from 1 January 2011.
- 2.2 That the Executive agree to the amendment of the existing partnership agreement with Central and North West London NHS Foundation Trust to incorporate the inclusion of the mental health services for older people resources into the partnership agreement.
- 2.3 That the Executive authorises 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.

3.0 Detail

Background

- 3.1. The report to the Executive in March 2007 set out the background, achievements and issues. These are repeated below.
- 3.2 Brent Mental Health Service ("BMHS") was established in April 2001, bringing together the mental health services previously provided by Brent Council Social Services and Central and North West London NHS Foundation Trust ("CNWL") under a formal Partnership Agreement pursuant to s31 Health Act 1999 (now s75 National Health Services Act 2006 ("NHS Act 2006")). It was renewed in February 2004. The management of BMHS is through a Service Director and managers employed by CNWL, an NHS Foundation Trust, with funding for these posts from the Council and CNWL placed in a pooled fund arrangement managed by CNWL. The Service Director is jointly responsible to CNWL's Director of Operations and the Assistant Director for Community Care. The overall governance and management arrangements and pooled budget are monitored through a mental health partnership board chaired by the Director of Operations (CNWL), the Assistant Director for Community Care and the Finance Manager. BMHS provides services to Brent residents aged 16 to 65 who have substantial or critical mental health needs under the Council's Fairer Access to Care criteria, which includes assessment, care management, social care support and accommodation services.

Achievements since Integration

- 3.3. BMHS has achieved much to the benefit of service users since the partnership began in 2001: establishing a single point of entry; joint referral criteria; single multi-disciplinary assessment; seamless service delivery to improve the care pathway; single case file; integrated multi-disciplinary workforce with joint supervision and appraisal procedures and integrated training plan, resulting in successive Investors in People (IIP) Accreditations, most recently at silver standard. The majority of the National Service Framework (NSF) targets were met through the work with the Local Implementation Team (LIT) accountable to the adult partnership board and the joint service has performed well in the key health and social care performance indicators such as assessment waiting times, hospital discharges and number of adults helped to live at home. BMHS has also undergone a number of successful reviews including a Supporting People (SP) review of its supported housing accommodation and management and the 2006 Health Care Commission review of Community Mental Health Teams, for which it received an 'excellent' score.

Operational Considerations

- 3.4. The integration of health and social care through BMHS has undoubtedly been a success in achieving agreed outcomes as above. As reported to the Executive on 18 March 2008, there has been a need to review partnership arrangements with CNWL with a view to developing further integration through the use of the flexibilities permitted by s75 of the NHS Act 2006. To this end, the Council and CNWL established a dedicated project group to review partnership arrangements and further integration. This work included total integration of the CNWL and Brent Council workforces either through TUPE or secondment arrangements and integration of mental health finances. The project group reported back to the project board on 9 August. These options for further integration were not favoured by the project board, due to the current financial climate, uncertainty on the future of joint commissioning arrangements and because the staff consultation process favoured

a continuation of the current devolved management arrangements. A partnership agreement is considered essential for the effective delivery of mental health services but the project board considered that at the current time an extension of the existing partnership arrangements rather than a fundamental change to partnership arrangements was a more appropriate way forward, taking into account the Change Drivers detailed in paragraphs 3.5 to 3.7. The project board did however recommend the inclusion of the older adults mental health service in any extended partnership agreement for the reasons detailed in paragraph 3.10.

Change Drivers

- 3.5 Since the outline of policy development set out below, there have been national policy developments following the General Election in May 2010. The abolition of PCTs and transfer of commissioning functions to GPs is particularly significant, and the future of joint commissioning is still to be determined.
- 3.6 Legislative changes through the Mental Capacity Act 2005 place new statutory duties on health and social care bodies in relation to people who do not have capacity and whose liberty may be restricted. There are now structures for 'deprivation of liberty' assessors and boards.
- 3.7 Previously the local authority had responsibility for carrying out Mental Health Act assessments, however the new Mental Health Act 2007: extends the function to include other professionals such as nurses, replacing the Approved Social Worker (ASW) with the new Approved Mental Health Practitioner ("AMHP") role. However the local authority remains responsible for overseeing and monitoring the implementation of the Mental Health Act by AMHPs, and currently Brent AMHPs remain social workers employed by Brent council.

Service User and Carer Involvement and Consultation

- 3.8 Brent has a solid foundation of partnership working, with the consultation and involvement of users in the development of mental health services, enabling them to influence the care and support available to them. The current BMHS partnership has used and continues to use local networks to influence and improve health and social care developments locally, through Brent Mental Health User Group; Brent Carers' Centre; the recruitment and training of BMHS staff; setting of standards; monitoring the quality of services and service developments and research; and representation on CNWL's Board of Governors.
- 3.9 The original consultation and involvement for the partnership agreement in 2001 was carried out by the Brent Local Implementation Team, Comprehensive Service Review and through Brent Council and NHS Brent's Joint Commissioning processes. Service users were very positive about the new partnership arrangements as they demonstrated transparency and continuous improvements to services and to date they continue to allow service users to highlight specific areas and where improvements on things important to them can be made.

Services for older people with mental health needs and dementia

- 3.10. Current services are provided separately through CNWL and Housing and

Community Care. A strategy has been developed to improve access to the services and provide a more integrated approach for users. At an operational level, CNWL has now created a Community Mental Health Team for older adults, including two social workers from Housing and Community Care's Older People's Service responsible for assessment and care management. This has improved liaison arrangements and provides a better multi-disciplinary approach with the CNWL older people's mental health team. This is separately managed within the Trust from the Older Adults mental health service. Both the Health Care Commission and Commission for Social Care Inspection, through external reviews, have recommended improvements are made to an integrated approach. A multi-agency strategy steering group chaired by the Assistant Director Community Care proposed that S75 flexibilities are used to create an integrated team and pooled budgets, by incorporating the 2 Approved Mental Health Practitioner staff into this agreement.

Current Situation

- 3.11 The Executive granted a temporary extension of the existing partnership agreement to expire on 31 December 2010. It was indicated that Officers would report back to Members by 31 September 2010 as to progress of the review of partnership arrangements. For the reasons detailed above, a further extension of the existing partnership agreement is now recommended for a period of 5 years from 1 January 2010 with a Break Clause due to uncertainty around the future of the NHS Structure.

4.0 Financial Implications

- 4.1 The costs of the pooled management budget are £1,557,329 of which Brent Council contributes approximately 30% amounting to £497,880.
- 4.2 The 2010/11 adult social care operational budget is £5,125,670 and is used to provide management of the service, community mental health teams, in house supported accommodation and social inclusion services.
- 4.3 The purchasing budget is £3,325,043 and is for residential care, supported accommodation costs and direct payments.
- 4.4 The operational budget for the two Approved Mental Health Practitioners in older adults is approximately £110,000.
- 4.5. The Service Director will take appropriate management action over the course of the year to ensure that the budgets do not have a deficit at the end of the Financial Year. Any forecast overspends will be reported to the S75 Partnership Board who will make joint decisions over remedial action. The Partnership Board will also determine whether any underspends may be reused and reinvested in the Service.
- 4.6. It is likely that the Government Spending Review on 20 October will necessitate further efficiency savings from these budgets and the Council will therefore work closely with CNWL through the Partnership Board to agree the level of savings and impact on service delivery of any future budget reductions.

5.0 Legal Implications

- 5.1 The National Health Service Act 2006 ("the Act") requires local authorities and NHS

bodies to work together to improve health and social care and provides for flexible funding and working arrangements to be established by agreement to facilitate this.

- 5.2 The Mental Health Partnership Agreement entered into by the Council provides that the agreement will subsist until the 31st March 2007 unless determined earlier or extended by agreement between the parties. As detailed in paragraph 3.11, the partnership agreement has been extended by renewals, to expire on 31st December 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 to the incorporation of Older Adults staff and budgets into the partnership agreement and other consequential 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 with him liaise prior to extending the partnership agreement.

6.0 Diversity Implications

The partnership has had a positive impact on promoting equalities and diversity issues. Service users continue to be involved and consulted in the work to promote joined up working and improve partnerships. This is an on going process carried out through a variety of consultation forums including LIT meetings and LIT Sub-groups with specific remits for women and black and minority ethnic communities. The Partnership has continued to strive for fair representation of all groups across the range of involvement activities in the planning, development, delivery and monitoring of services.

7.0 HR Implications

There are currently 140 WTE budgeted social care posts in BMHS and 2 posts in older people mental health services. There are no new HR implications for the five-year extension to the partnership agreement and the Brent Council social care staff will remain employed by Brent Council and continue to be managed through BMHS. However in line with both organisations' plans for flexible working arrangements there is a move towards increased hot desking and home working for staff.

8.0 Accommodation Implications

The Project Group reviewed accommodation implications and the Project Board recommends no change to existing arrangements which have been working well. However it should be noted that the Council may wish to move out of 36 London Road, Wembley at some point. This would impact on the CNWL/Brent Council staff working in the North West Sector Community Mental Health Team who currently lease the first floor.

Background Papers

- National Service Framework for Mental Health (1999)
- Health and Social Care Act (2001)
- S31 Partnership Agreement Executive report (2001)
- Department of Health “Shifting the Balance of Power” (July 2001)
- Partnership Renewal Executive Report (February 2004)
- Mental Capacity Act 2005
- Deprivation of Liberty Safeguards Consultation Paper 2007
- Outline Equalities Impact Assessment (February 2007)
- Brent Mental Health for Older People Strategy (draft) 2008
- S75 Partnership Agreement Executive Report (15 March 2010)

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