



**Health Select Committee**  
3<sup>rd</sup> February 2009

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

Wards Affected:  
ALL

**Update on Section 31 (now known as Section 75) agreement  
between Brent Council and Central North West London Foundation  
Trust regarding Brent Mental Health Service (BMHS)**

## 1.0 Summary

- 1.1 This report provides an update on S31 (now known as S75) agreement between Brent Council and Central North West London Hospital Trust regarding Brent Mental Health Service (BMHS) for adults. It attaches 2 previous reports to the Council's Executive concerning issues regarding a pooled purchasing budget, subject to ongoing discussions with NHS Brent.

## 2.0 Recommendations

- 2.1 It is hoped to reach agreement between the 3 parties as to which option to recommend, and consult on prior to approval by executive March 2010. If health scrutiny would want to consider these before hand then this could be built into the timetable.

## 3.0 Background

The current S31 is under review in order to consider whether there are potential benefits for a pooled purchasing budget. The details of the options and issues are set out in the attached report to Executive on 12 March 2007(Appendix A). A follow up report is attached requesting a further extension to the current S31 until April 2010 (Appendix B). This was because any pooling of a purchasing budget has to be agreed with Brent NHS who have responsibility for commissioning and the purchasing budget for health mental health placements which are not directly commissioned and provided by CNWL. Due to the PCT's turnaround programme and financial problems officers were not able to consider the viability of a purchasing budget or what the amount of budget might be 2007/08. Any agreement apart from the amount of the budget, needs to clarify what the 'added value' and objectives are to improve services, which agency would be the lead pooled budget

manager. The options could be that elements of the health and social care purchasing budget are pooled and managed by CNWL with delegated functions under S75. The alternative is that the pooled budget between NHS Brent and the Council and one agency has the lead responsibility. In addition there are risks involved in all these options and currently these are being worked out to determine which if any, option would maximise joint objectives and reduce financial risk.

- 3.1 Since the report to Executive all PCT's have been required to develop World Class Commissioning (details of which have been reported by the PCT previously to Health Scrutiny). The PCT (new NHS Brent) has made a commitment in the strategy plan to review mental health services, to develop a commissioning strategy as well as to increase early intervention services in 09/10. They anticipate, as part of joint working and the review of commissioning of services will help the LA and NHS Brent to decide where commissioning will be refocused and which services will benefit from pooling of budgets. This is an extensive piece of work and timescales will need to reflect that. However in order to complete the work to establish a new S75 arrangement, decisions will be needed within 3 months as to what types of pooling of funds are viable. These will be subject to discussion at the joint NHS Brent and Housing Community Care management meeting with the NHS Brent Chief Executive and Director of Housing and Community Care and the S31 Mental Health Management Partnership Board chaired by the Director of Operations for the Mental Health Foundation Trust. Agreement and proposals for S75's are expected to be consulted on through the Mental Health Local Implementation Team. A multi agency body which reports to the Health and Social Care Partnership Board. Formal decisions and agreements would then need to be made by the LA Council Executive, NHS Brent Board, and Foundation Trust Board. Robust governance arrangements will be central to the success of any such agreements.

#### 4. Staffing issues

- 4.1 Currently BMHS managers are employed by CNWL, paid out of a pooled budget between the Council and CNWL. All other social work and care support staff are employed by the Council but managed by CNWL. If purchasing budgets are pooled then this would include social care staffing budgets which would mean the social care staff would be, subject to TUPE, employed by CNWL. This would require consultation with staff and unions once the way forward was agreed. This would ensure a single line of management and HR accountability. Adult social care would need to commission the service and audit and monitor arrangements as part of delegating social care functions to CNWL.

### **Background Papers**

S31 Partnership Agreement – Brent Mental Health Service – One Year Extension – 12 March 2007

S31 Partnership Agreement – Brent Mental Health Service – Two Year Extension – 18 March 2008

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